

POLITICS IN THE LATIN PATRIARCHATE  
OF CONSTANTINOPLE, 1204-1261

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WHEN the Venetians and the non-Venetian crusaders drew up an agreement in March, 1204, prior to the second capture of Constantinople, one of its important provisions read as follows:

The clergy who are of that party from which the Emperor shall not have been chosen shall have the power to ordain to the Church of St. Sophia, and to elect a Patriarch for the honor of God and of the Holy Roman Church and of the Empire.<sup>1</sup>

The right to choose the future Patriarch thus became a political consolation-prize for the party which should prove unsuccessful in electing an Emperor. After the city had been captured, and the electors, six Venetians and six non-Venetians, had chosen Baldwin of Flanders and Hainaut as Emperor (May 9, 1204), the Venetians, acting in accordance with the agreement, chose as Patriarch Thomas Morosini, a Venetian, a sub-deacon of the Pope.

\* The following abbreviations are employed in the notes: AASS = *Acta Sanctorum*; Akropolis = *Georgii Acropolitae Opera*, ed. A. Heisenberg (Leipzig, 1905); Alberic = Alberic Trium Fontium, *Chronica*, MGH SS XXIII; Auvray = L. Auvray, *Les Registres de Grégoire IX*, 3 vols. (Paris, 1899–1910); Berger = E. Berger, *Les Registres d'Innocent IV*, 4 vols. (Paris, 1884–1920); BHG = *Bibliotheca Hagiographica Graeca* (Brussels, 1909); Bourel = C. Bourel de la Roncière, *Les Registres d'Alexandre IV*, 2 vols. (Paris, 1902–1931); Gerland = E. Gerland, *Geschichte des lateinischen Kaiserreiches von Konstantinopel* (Homburg, v. d. Höhe, 1905); Heyd = W. Heyd, *Histoire du Commerce du Levant*, tr. Furcy Rainaud, 2 vols. (Leipzig, 1885); Horoy = *Honorii III Romani Pontificis Opera Omnia*, ed. [C. A.] Horoy, 4 vols. (Paris, 1878–1880); Janin, *Constantinople* = R. Janin, *Constantinople Byzantine: Développement urbain et répertoire topographique* (Paris, 1950); Janin, *Églises* = R. Janin, *La Géographie Ecclésiastique de l'Empire Byzantin, Première partie, Le Siège de Constantinople et le Patriarcat Oecuménique*, III, *Les Églises et les Monastères* (Paris, 1953); Kretschmayr = H. Kretschmayr, *Geschichte von Venedig*, I and II (Gotha, 1905, 1920); MGH SS = *Monumenta Germaniae Historica, Scriptores*; MPL = J. P. Migne, *Patrologia Latina*; Nicetas = Nicetas Choniates, *Historia*, ed. I. Bekker (Bonn, 1835) *Corpus Scriptorum Historiae Byzantinae*; Potthast = A. Potthast, *Regesta Pontificum Romanorum*, 2 vols. (Berlin, 1873); Pressutti = P. Pressutti, *Regesta Honorii Papae III*, 2 vols. (Rome, 1888, 1895); REB = *Revue des Études Byzantines*; Santifaller = L. Santifaller, *Beiträge zur Geschichte des lateinischen Patriarchats von Konstantinopel* (Weimar, 1938); T.-Th. = G. L. F. Tafel and G. M. Thomas, *Urkunden zur älteren Handels- und Staatsgeschichte der Republik Venedig*, 3 vols. (Vienna, 1856), *Fontes Rerum Austriacarum*, zweite Abtheilung, *Diplomataria et Acta*, XII–XIV; Theiner, *Mon. Slav.* = A. Theiner, *Vetera Monumenta Slavorum Meridionalium*, 2 vols. (Rome, 1863); Wolff, Baldwin = R. L. Wolff, "Baldwin of Flanders and Hainaut, First Latin Emperor of Constantinople, His Life, Death, and Resurrection," *Speculum* XXVII (1952), 281–322; Wolff, Bulgars = R. L. Wolff, "The 'Second Bulgarian Empire,' Its Origin and History to 1204," *Speculum* XXIV (1949), 167–206; Wolff, Oath = R. L. Wolff, "A New Document from the Period of the Latin Empire of Constantinople; the Oath of the Venetian Podestà," *Mélanges Grégoire IV* (Brussels, 1953), 539–573; Wolff, Organization = R. L. Wolff, "The Organization of the Latin Patriarchate of Constantinople, 1204–1261; Social and Administrative Consequence of the Latin Conquest," *Traditio* VI (1948), 33–60.

<sup>1</sup> T.-Th. I, p. 447, no. 119. As the *Devastatio Constantinopolitana* (ed. C. Hopf, *Chroniques Gréco-Romanes* [Berlin, 1873], 92) puts it: ". . . Veneti occupaverunt ecclesiam beatae Sophiae, dicentes 'Imperium est vestrum, nos habebimus patriarchatum.'"

Morosini was not present in Constantinople, and was unaware of the honor which was being done him. The method of choice was that implied by the agreement: as losing party in the imperial election, the Venetians first named clerics to the cathedral church of St. Sophia; in accordance with western practice, the new all-Venetian cathedral chapter then elected the Venetian Morosini as their bishop; and, as Bishop of Constantinople, Morosini was Patriarch.

Of these uncanonical proceedings Innocent III remained for several months unaware. On November 13, 1204, he commanded all the prelates in the host at Constantinople to urge Emperor Baldwin and the other Latins to "make firm the realm of the Greeks in obedience to the Holy See."<sup>2</sup> And on December 7, he instructed the prelates to convoke a general assembly of the Latin clergy regardless of nationality, to elect a God-fearing and suitable *provisor*, whom the Pope or his legate would at some future time confirm.<sup>3</sup> The precise rank and functions of this ecclesiastical *provisor* were not further elucidated, but it seems clear that Innocent had not yet decided whether the church of Constantinople was to have a Latin Patriarch.

By January 21, 1205, however, he had learned that a Latin Patriarch had already been appointed, and by what means. Paraphrasing the agreement under whose terms the Venetian-manned cathedral chapter had been chosen and had then elected a Patriarch, he vigorously denounced the election as uncanonical, although Morosini himself was unexceptionable:

. . . we and our brethren know the person elected to be of noble birth, honest, prudent, and sufficiently well-educated, but . . . no layman has the right to decide ecclesiastical questions, and the Patriarch of Constantinople neither can nor should be elected by a secular authority. Further, the Venetian clerics who term themselves 'elected canons' of Santa Sophia have no right to elect a bishop to that church, since they have not been installed [*instituti*] in it either by us or by our legate. Therefore we have taken pains to denounce the election in public consistory.<sup>4</sup>

The effectiveness of this protest and denunciation must have been greatly diluted, however, by the very next sentence of the Pope's letter, in which he confirmed the election, declaring that since Morosini himself had not been personally involved in the procedure, he could not be blamed. Innocent added that he was confirming Morosini because he wanted to please the Emperor, to exercise the papal right of ordaining bishops to the see of Constantinople, and to encourage the Venetians to render further services to

<sup>2</sup> *MPL* CCXV, col. 455, Bk. VII, no. 154; Potthast 2324; T.-Th. I, p. 518, no. 125.

<sup>3</sup> *MPL* CCXV, col. 471, Bk. VII, no. 164; Potthast 2339; T.-Th. I, p. 519, no. 126.

<sup>4</sup> *MPL* CCXV, col. 512, Bk. VII, no. 203; Potthast 2382; T.-Th. I, p. 524, no. 129. The legal considerations on which the denunciation rests are discussed by Santifaller, 115 ff.



the church.<sup>5</sup> He further instructed the Emperor Baldwin and the Doge of the Venetians, Dandolo, to receive Morosini in friendly fashion, and to honor, defend, and revere him.<sup>6</sup>

Soon after, Innocent wrote to Morosini, renouncing the right to name future Patriarchs himself. They were to be chosen according to canonical procedure, and were to send to Rome for the *pallium*. The Pope assured Morosini that he had never intended to infringe upon the prerogatives of the cathedral chapter of St. Sophia, but had acted without prejudice to their future rights,<sup>7</sup> and this he repeated in a letter to Dandolo's son, Reniero, in which he remarked that he had confirmed Morosini, "in order to please your father."<sup>8</sup> But in May 1205, Innocent was to take a highly significant step to limit the power of the Venetian cathedral chapter of St. Sophia in patriarchal elections. This he did in a letter, whose original text is lost, and of which a short summary only is given in Innocent's Registers. A verbatim text, however, has survived hitherto unnoticed and unpublished in the Registers of Innocent's successor, Honorius III, and is printed for the first time, together with Honorius' confirmation, in the Appendix to this article. The Pope prescribed that, when the patriarchal throne of Constantinople should become vacant, the prelates of all the conventual churches in the city should meet in the church of St. Sophia, together with members of the cathedral chapter, and proceed to the election of a suitable person on whom all of them, or the *maior et sanior pars* would agree.<sup>9</sup> There were thirty such churches in the city, and to permit their *praepositi* to participate in patriarchal elections was to deprive the cathedral chapter of its sole right to do so. For this reason the right to name *praepositi* to the conventual churches was, as we shall see, to become as important a source of power, and therefore of dissension, as the right to name canons to the cathedral chapter.

In spite of the Pope's repudiation of any intention to interfere with the powers of the cathedral chapter, it was his initial assertion of papal prerogative in patriarchal elections which set the precedent for the future. During the period of the Latin Empire, there were to be six Latin Patriarchs: Thomas Morosini (1204–1211), Gervasius of Heracleia (1215–1219), Matthaëus of Jesolo (1221–1226), Simon of Tyre (1229<sup>p</sup>–1233), Nicholas of Castro Arquato (1234–1251), and Pantaleone Giustiniani (1253–1261). Simon of

<sup>5</sup> *MPL* CCXV, col. 517, Bk. VII, no. 204; Potthast 2383; T.-Th. I, p. 529, no. 131.

<sup>6</sup> *MPL* CCXV, col. 577, Bk. VIII, no. 23; Potthast 2462; T.-Th. I, p. 544, no. 140.

<sup>7</sup> *MPL* CCXV, col. 578, Bk. VIII, no. 25; Potthast 2464; T.-Th. I, p. 546, no. 142.

<sup>8</sup> Potthast 2466; T.-Th. I, p. 538, no. 135. Not in Migne.

<sup>9</sup> *MPL* CCXV, col. 629, Bk. VIII, no. 64; Potthast \*2508; T.-Th. I, p. 558, no. 153; Pressutti 1174; text in Appendix, no. II.

Tyre and Pantaleone Giustiniani were appointed directly by the Pope, apparently without any previous election by the canons of St. Sophia. Another papal appointee (Jean Halgrin, 1226) declined the office. Gervasius and Matthaëus were appointed by the Pope after disputed elections in Constantinople. Morosini, as we have seen, was confirmed by Innocent III after an uncanonical election. Only Nicholas of Castro Arquato may have been chosen without papal participation, but this is by no means certain.<sup>10</sup> Thus in practice the popes were to have the major role in the choice of the Latin patriarchs.

Thomas Morosini (1204–1211) was a member of an old Venetian noble family, called in the *Chronicon Altinate* "Mauroceni," and supposedly originally native to Mantua.<sup>11</sup> The only surviving first-hand description of him comes from the pen of his enemy, the Byzantine historian Nicetas Choniates, who saw him in Constantinople in the late summer of 1205, shortly after his arrival there, exhorting the Latin soldiery to go to the aid of the forces of the Emperor Baldwin, who was then besieging Adrianople. Thomas was clad, says Nicetas, in his native garments, which were so tight as to seem stitched or woven directly on to his body, although they left his chest free and comfortable. He was so closely shaven that he might have been using a depilatory; his cheeks were like a boy's, entirely bare.<sup>12</sup> Elsewhere, Nicetas adds that Thomas was middle-aged, fatter than a pig, and that his chest, as well as his face and tonsured head, was hairless. He wore a ring on his finger and sometimes leather gloves, and his fellow-priests were like him in their clothes, their pursuits, and their tonsures.<sup>13</sup>

When uncanonically elected Patriarch by the newly-chosen cathedral chapter of St. Sophia, Morosini was only a sub-deacon. After Innocent had decided to confirm the choice, he himself consecrated Thomas a deacon on March 5, 1205, a priest on March 26, and a bishop on March 27. On March 30, the Pope conferred the archbishop's *pallium* upon him, with instructions to wear it on holy days. At the same time and in the usual form, Innocent confirmed him in the possession of all church property and all the privileges of the church of Constantinople, and gave him the right to have the cross carried before him wherever he went, except in Rome itself or in a city

<sup>10</sup> Santifaller, *op. cit.*, 20–42.

<sup>11</sup> *Chronicon Altinate*, MGH SS XIV, 29: "Mauroceni de Mantua venerunt"; M. Merore, "Die Venezianische Adel (Ein Beitrag zur Sozialgeschichte), I. Teil, Die Geschlechter," *Vierteljahrschrift für Sozial und Wirtschaftsgeschichte*, XIX (1926) 193–237.

<sup>12</sup> Nicetas, 824.

<sup>13</sup> In his treatise on the statues of Constantinople destroyed by the Crusaders, *ibid.*, 854–855.

where there was a papal representative.<sup>14</sup> The same day, he bestowed upon him the following additional privileges: the right to absolve those of his subjects who had laid violent hands upon clerics, unless the offense was so outrageous that the offender should be sent to Rome to seek absolution; the right to absolve *falsarii*; and the right to anoint kings in the Empire of Constantinople if they should ask it and with the consent of the Emperor.<sup>15</sup> On the Lord's day and on festival days he might promote suitable persons to be subdeacons; and he might appoint people of suitable birth and education to be canons of St. Sophia, because its chapter at the moment included few or no clerics who had been canonically installed.<sup>16</sup> He was granted a special exemption to his oath as archbishop not to mortgage, alienate, or sell church property: contrary to the usual practice and on the advice of sound councilors, he might do any of these things, because of the uncertain state of the Empire.<sup>17</sup> His subjects might freely appeal to him in cases which did not require an appeal to Rome, so long as he humbly referred to the Apostolic See all appeals directed to it.<sup>18</sup> He was granted the right to continue for the present to keep the benefices he had hitherto held, and to collect the income from them; and, since he had need of a good group of advisers, the same privilege was extended to his fellow-clerics.<sup>19</sup> Later he was granted the additional privilege of deciding in his own see all litigation involving sums of twenty marks or less; from his decisions in such cases there was to be no appeal to Rome.<sup>20</sup>

Some of these privileges — such as the right to wear the *pallium* — were regularly granted to all archbishops; some — such as the right to anoint kings — were exceptional, and reflect the patriarchal character of Thomas' archbishopric; still others — such as the right to alienate church property and to keep the income from his benefices outside the Empire — were emergency measures.

Morosini's six years on the patriarchal throne are characterized by continual controversy and litigation. Even when one considers the explosive situation created in Constantinople by the continual jostling together of French knights, Venetian merchant-sailors, and Greek native population, and the multitude of rivalries — political, commercial, and ecclesiastical —

<sup>14</sup> *Gesta Innocentii*, chapter 98, MPL CCXIV, col. CXLIII; correspondence, MPL CCXV, col. 574, Bk. VIII, no. 19; Potthast 2458; T.-Th. I, p. 539, no. 136.

<sup>15</sup> MPL CCXV, col. 576, Bk. VIII, no. 20; Potthast 2459; T.-Th. I, p. 541, no. 137.

<sup>16</sup> MPL CCXV, col. 577, Bk. VIII, no. 21, Potthast 2460; T.-Th. I, p. 543, no. 138.

<sup>17</sup> MPL CCXV, col. 577, Bk. VIII, no. 22, Potthast 2461; T.-Th. I, p. 543, no. 139.

<sup>18</sup> MPL CCXV, col. 577, Bk. VIII, no. 23, Potthast 2462; T.-Th. I, p. 544, no. 140.

<sup>19</sup> MPL CCXV, col. 578, Bk. VIII, no. 24; Potthast 2463; T.-Th. I, p. 544, no. 141.

<sup>20</sup> MPL CCXV, col. 959, Bk. IX, no. 140; Potthast 2860; T.-Th. II, p. 19, no. 170.

which naturally arose as an aftermath of the conquest, one is compelled to conclude that Thomas Morosini himself was exceedingly passionate and quarrelsome. At various times he was at odds with the Pope, with the papal legates, with the Emperor, with the French clergy, and even with the Podestà of his own fellow-Venetians, to whom one might have expected him to look for secular support. In certain of these quarrels of Morosini's there were at stake fundamental issues of policy and principle. Many of these were not settled during his lifetime, and some remained unsettled throughout the period of the Empire and Patriarchate.

Morosini opposed Innocent III on the question of all-Venetian representation in the cathedral chapter of Constantinople and in the archbishoprics and bishoprics of Romania. He quarreled with the Emperor and the French clergy on the question of the right to appoint clerics to the conventual churches in the capital. Underlying both these controversies was the critical issue of correct procedure in the election of a patriarch. In addition, Morosini presided over the first settlement of the critically important controversy between clerics and laymen on the restitution of wrongfully sequestered church property, a question in which his interests were initially identical with those of the Pope and all the clergy of Constantinople of whatever nationality, and opposed to those of the Emperor, the barons, and the Venetians. This problem of church property, and the closely related question of ecclesiastical privileges, were to arise again after Morosini's death, and to pre-occupy his successors down to 1223.<sup>21</sup> In all these questions, the papacy of course played a fundamental role.

<sup>21</sup> In addition to these major affairs, Morosini quarreled with the Podestà of the Venetians over possession of the icon of the Hodegetria. (See R. L. Wolff, "Footnote to an Incident of the Latin Occupation of Constantinople: the Church and the Icon of the Hodegetria," *Traditio* VI [1948], 319-328). He also quarreled with the Pisans, ostensibly over certain rights granted the prior of their church in Constantinople by Pope Alexander III: the right to confirm, to bless chalices, and to wear certain vestments. Although the Cardinal legate took the Pisans under his protection, Innocent III later reversed this decision, supported Morosini, and forbade the Pisans to use holy oil in confirming boys (G. Müller, *Documenti sulle relazioni delle città Toscane coll'Oriente e coi Turchi* [Florence, 1879], 81, 85; *MPL* CCXV, col. 1352, Bk. XI, no. 22; Potthast, 3319; R. Janin, "Les Sanctuaires des Colonies Latines à Constantinople," *REB* IV [1946] 171 ff. and *Églises*, 585 ff. on the Pisan churches in general.) Morosini also made an unsuccessful effort to obtain jurisdiction over the church of Cyprus; although the Pope in August 1206 consented to hear his case, and summoned the Archbishop of Nicosia to appear before him, he reminded Morosini (as he had once reminded Alexius III Angelus) that, by virtue of Richard the Lionhearted's conquest, Cyprus had been exempt from Constantinopolitan jurisdiction since before the fourth Crusade (*MPL* CCXIV, p. ccxxiii, in the *Gesta Innocentii*; Potthast 1332, for Innocent's letter to Alexius III; other correspondence *MPL* CCXV, col. 959, 966, Bk. IX, Nos. 140, 141; T.-Th. II, p. 19, no. 170; Potthast 2860, 2865; see also Sir George Hill, *A History of Cyprus* II [Cambridge, 1948] 79.) Morosini in November 1209 did succeed,

Elsewhere I have discussed the social and administrative impact of the Latin conquest upon the Greek church.<sup>22</sup> In this paper I plan to deal with the internal and external political problems of the patriarchate itself: its relations with the French and Venetians in Constantinople and with the papacy. It is my hope that a detailed examination of the sources will reveal the main lines of policy pursued by the main actors in the drama, which in itself may serve as a previously little-studied case history of mediaeval ecclesiastical colonialism.

The chief source throughout is the correspondence of the Popes as it survives in the Vatican Registers. As students of the period are well aware, we possess printed editions of the full texts of the letters of all the thirteenth-century Popes except for Honorius III. On the whole, Honorius' correspondence has only been summarized by Pressutti, although some individual letters have been printed by Horoy, Santifaller, and others. Moreover, Pressutti's summaries often fail to convey the true import of the letters. For this reason I have obtained a microfilm copy of the Registers of Honorius III, and have in each instance worked from the original text of the letters. The full texts of those previously unpublished letters which have proved most important for our purposes are printed in the Appendix to this article. It will be seen that many of them concern the question of church property, which, indeed, it would be entirely impossible to treat without these hitherto unused letters, containing as they do, for example, the full text of the most important single agreement reached between clerics and laymen in the Empire. It is a pleasant duty and entirely appropriate here to record my deep debt of gratitude to Robert Blake, who at my suggestion obtained the films of Honorius' Registers from the Vatican through the kindness of Cardinal Mercati and Msgr. Angelo Mercati, and who with characteristic generosity presented the films in 1948 to the Widener Library, where they may be used by scholars.

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however, in retaining jurisdiction over the Archbishopric of Patras, despite the repeated efforts of the Archbishop to prevail upon Innocent III to place his see directly under Rome (*MPL* CCXVI, col. 163, Bk. XII, no. 142; Potthast 3849; T.-Th. II, p. 115, no. 218; see also E. Gerland, *Neue Quellen zur Geschichte des lateinischen Erzbistums Patras* [Leipzig, 1903] p. 10, note 1; D. Rattinger, "Die Patriarchat und Metropolitansprengel von Constantinopel und die bulgarische Kirche zur Zeit der Lateinerherrschaft in Byzanz," *Historisches Jahrbuch* II [1881] 20–21.)

<sup>22</sup> See Wolff, *Organization*. The first note in that article gives references to and brief comments on all the previous secondary literature known to me which deals with the Latin patriarchate. To this list there should now be added J. Longnon, *L'Empire Latin de Constantinople et le Principauté de Morée* (Paris, 1949), which, however, makes no systematic attempt to deal with the problems studied in this article.

## MOROSINI, THE VENETIANS, AND THE POPE

When he had been confirmed by the Pope, and had received his privileges, Morosini went from Rome to Venice, where he stayed until summer, 1205. In Venice on May 13, in a document which still survives, he renounced in favor of the Venetian Patriarch of Grado all rights and jurisdiction over the churches already possessed by the Venetians in the city of Constantinople and elsewhere in the Empire. These churches, Morosini declared, had never been subject to a Greek Patriarch, but had in all matters spiritual and temporal been subject to Grado. Therefore, as Latin Patriarch of Constantinople, he declared the churches exempt from any exactions on the part of himself or his successors. The penalty for any contravention of this promise was to be a fine of one hundred marks of pure silver, which Thomas would pay the Patriarch of Grado, and this despite the fact that the Pope had granted Thomas full jurisdiction over all churches of the Empire.<sup>23</sup>

Before 1204, the Venetians had possessed four churches — St. Akindynos, St. Mark, St. Mary, St. Nicholas — in their quarter of Constantinople along the shore of the Golden Horn, called *embulo* because of the main warehouse and place of exchange. As a result of the expansion of their quarter up the Golden Horn and inland to the “fourth hill” after the capture of the city in 1204, they further acquired three highly important ecclesiastical foundations: the monastery of the Pantepopté (the present Eski Imaret Djami), the church of the Pantokrator (the present Zeirek Kilisse Djami), and (in the southwestern portion of the city called Psamathia) the abbey of Maria Periblepté overlooking the Sea of Marmora (burned down in 1782; the Armenian church of Sulu Monastir occupies the site).<sup>24</sup> Before Morosini had

<sup>23</sup> T.-Th. I, p. 551, no. 146. Cf. Santifaller, 45 and 67.

<sup>24</sup> On the Venetian quarter in general see H. F. Brown, “The Venetians and the Venetian Quarter in Constantinople to the Close of the Twelfth Century,” *Journal of Hellenic Studies* XL (1920) 68–88; Kretschmayr I, 361 ff., 501, note 3; Heyd I, 316. On the four churches held before 1204, R. Janin, “Les Sanctuaires des Colonies Latines à Constantinople,” *REB* IV (1946) 166 ff., and *Églises*, 583 ff. St. Akindynos was martyred by the Sassanian King Shapur in 341 (*BHG* 4; *AASS Novembris* 445 ff.); there is a representation of him in the mosaics of the famous church of Daphni near Athens. The Venetians obtained the church of St. Akindynos in 1082 from Alexius Comnenus in the first chrysobull issued in their favor; it was their most important church before 1204. In 1107 it was conferred, with all its “lands, treasures, vestments, books, property, and possessions, its shops, bakery, and oven, its weights and measures for wine and oil” upon the Patriarch of Grado. These weights and measures were made standard for all Venetians in Constantinople, a concession which alone brought in seventy-two hyperpers to the Patriarch of Grado in the year 1206. In 1192, Pope Celestine III granted the tithes of this church to the Patriarch of Grado, despite the fact that one of his suffragans had previously been collecting them. After the fourth Crusade, Marino Zeno, first Podestà of the Venetians, renewed the grant to Grado at the command of the Doge, and added much other property, from which the Patriarch of Grado collected the rent, and for which a number of

even left for Constantinople, he had signed away some of his most valuable possessions there, and made a concession which was to hold for the duration of the Latin occupation. Just as the Venetian Doge curbed the power of the Venetian Podestà in Constantinople,<sup>25</sup> so the Patriarch of Grado saw to it that the revenues derived from the Constantinopolitan properties of his see should not fall into other hands, even those of a Venetian-born Latin Patriarch. Seven Venetian canons, who declared themselves to belong to the chapter of St. Sophia, also signed the renunciation, which was later to be confirmed on January 31, 1221 by Patriarch Matthaeus,<sup>26</sup> and, finally, on July 11, 1256, by Pope Alexander IV in one of a series of privileges conferred by him on Grado.<sup>27</sup>

Santifaller maintains that this confirmation by Alexander IV was the first official notice taken by the papacy of the concession. He argues that, since the power to grant exemptions was in any case one possessed only by the Pope, Morosini's grant was invalid until Alexander confirmed it more than half a century later. He adds, however, that the grant was not specifically challenged by the papacy. But Santifaller seems to have overlooked a letter of Innocent III to Morosini, written on November 23, 1209, which refers to this exemption and indeed clarifies the circumstances under which it was issued:

When you were passing through Venice en route to Constantinople, [says Innocent] the Venetians denied you passage, and forced you to swear a bad oath, which you permitted to be extorted from you because it was essential that you get to Constantinople to obtain money to pay your creditors. The Venetians extorted from you a published document concerning the confirmation of certain churches which they hold in Constantinople. Since this was extorted by force, we declare it null and void.<sup>28</sup>

The later confirmation of the concession by Patriarch Matthaeus and by Pope Alexander IV, however, indicate that, despite Innocent III's attempt to absolve the Patriarch from this oath taken to the Venetians, it continued

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leases survive, indicating that rents were high in the Venetian quarter. (T.-Th. I, pp. 52, 68, 118; nos. 23, 32, 51; II, pp. 5, 52, 59, 492 ff; nos. 164, 181, 328–330; see also B. Antonio, "Le Carte del Mille e del Millecento che si conservano nel R. Archivio Notarile di Venezia," *Archivio Veneto* XX [1880] 314–315; on Marino Zeno, see Wolff, Oath; for a conjecture that the church of St. Akindynos was located on the site of the present Mosque of Rustem Pasha see J. Mordtmann, *Esquisse Topographique de Constantinople* [Lille, 1891] 46.). The other three churches were of less importance, and are satisfactorily discussed by Janin; while the three great churches added after 1204 are discussed by R. Janin, "Les sanctuaires de Byzance sous la domination Latine," *Etudes Byzantines* II (1944) 174 ff. and in the standard works of Van Millingen, Ebersolt, and Schneider. See also Janin, *Eglises*, 527 ff., 529 ff., 227 ff.

<sup>25</sup> See Wolff, Oath.

<sup>26</sup> T.-Th. II, p. 225, no. 259.

<sup>27</sup> Printed for the first time by Santifaller, 220 ff.

<sup>28</sup> *MPL* CCXVI, col. 162, Bk. XII, no. 140; Potthast 3846; T.-Th. II, p. 113, no. 215.

to hold good. Since 1157 the Patriarchs of Grado had had the privilege of appointing and consecrating bishops in the Venetian colonies throughout the Byzantine Empire; they apparently wished to make sure that the conquest of Constantinople and the institution of a new Latin patriarchate there would not interfere with this earlier right. Their pressure — however exerted — on Morosini enabled them to achieve their purposes.

But the Venetians in 1205 were by no means satisfied with the concessions wrung from Morosini. It is clear from Innocent's letters that he anticipated their next move, and was prepared to meet it. On May 20, 1205, less than two months after giving Morosini his parting instructions, Innocent wrote to Benedict, Cardinal priest of St. Susanna, whom he was sending to Constantinople as papal legate, reporting that he had already empowered the new Patriarch to appoint suitable men to the church of Constantinople (i.e. the cathedral chapter of St. Sophia). If, he added, the Patriarch should have neglected to do so, and should persist in his neglect when admonished by the legate, the legate would be authorized to make the appointments himself. The appointees were to be literate and honest and *of all nationalities* (*de quacunque natione*).<sup>29</sup>

The reason for this stress on taking men of all nationalities into the cathedral chapter becomes clearer when we examine a letter from the Pope to the same legate late in August or early in September of the same year. In order to keep the peace, Innocent wrote, he had confirmed the original treaty of March, 1204, between the French (i.e., the non-Venetian crusaders) and the Venetians, although it was uncanonical; now he wishes to be sure that the terms would be fulfilled. The treaty expressly provided that French and Venetian clerics should respectively fill the churches assigned to their respective parties. If the Patriarch had not already installed the clerics in the benefices assigned them, the legate was instructed to do so. This command was not motivated simply by anxiety lest the vacant churches remain unfilled, but arose from a suspicion that Morosini would favor the Venetians at the expense of the French. As Innocent put it: "the favor which we have bestowed upon the Venetians with regard to the most important issue [the patriarchate] we ought not to deny the French with respect to the less important" (the actual naming of clerics to the churches, particularly the cathedral chapter).<sup>30</sup> Probably for the same rea-

<sup>29</sup> *MPL* CCXV, col. 628, Bk. VIII, no. 62; Potthast 2506; T.-Th. I, p. 557, no. 151.

<sup>30</sup> *MPL* CCXV, col. 715, Bk. VIII, no. 135; Potthast 2575; T.-Th. I, p. 566, no. 156: ' . . . gratiam quam fecimus Venetis in majori, non decet nos Francis in minori negare.'



son, Innocent specifically commanded Thomas, on September 7, to give a cathedral prebend to a certain Henry — almost certainly a Frenchman.<sup>31</sup>

By June 21, 1206, Innocent had discovered that his worst suspicions were justified. He complained to his two cardinal legates, Benedict of St. Susanna and Peter Capuano, that the Patriarch had been neglectful of his duty: spurning the clerics of other nations, he was appointing only Venetians to the churches, especially to the Church of St. Sophia, and was thereby disregarding the principle that the sanctuary of God may not be possessed by hereditary right. The legates were enjoined to admonish Thomas not to postpone the establishment in these churches of religious, honest, and educated men *undecumque originem duxerint*. Unless Thomas complied, the legates were to threaten to absolve his subordinate clergy from their oath of obedience to him. Innocent also wished to know if it were true that Thomas had made a certain promise to the Venetians — <sup>32</sup> a promise whose details are specified in an angry letter of inquiry written to Thomas the same day.<sup>33</sup>

The Pope had now heard, he wrote the Patriarch, that the Venetians had violently extorted from him an oath to the effect that he would appoint no canon to the chapter of St. Sophia except a Venetian, or one who had lived ten years in Venice, and that he would make every effort to see to it that there would always be a Venetian patriarch, “saving the rights of the Apostolic See,” this last clause having been added orally, and therefore ineffectively, by Morosini. Innocent commanded Thomas not to observe this oath. From now on, he wrote, there would be no excuse for continuing to appoint only Venetians; or for continuing to strive to secure a Venetian succession to the patriarchate by requiring all appointees to the cathedral chapter to swear before their appointment that they would never vote for or receive any but a Venetian candidate for patriarch; or for keeping an additional oral promise he was said to have given, without swearing an oath, to appoint only Venetian archbishops throughout the Empire of Romania. The Pope absolved Morosini from all such promises, past and future, and forbade their observance on pain of anathema. He commanded the Patriarch to denounce them to the canons of St. Sophia already appointed and still to be appointed.<sup>34</sup>

The extent of the Venetian plan to control the church in the Empire is now almost fully revealed. Not only had they forced Thomas to renounce jurisdiction over their own churches, so that the Patriarch of Grado might lose neither prestige nor revenue, but they had attempted to secure in per-

<sup>31</sup> *MPL* CCXV, col. 715, Bk. VIII, no. 136; Potthast 2576; T.-Th. I, p. 569, no. 158.

<sup>32</sup> *MPL* CCXV, col. 914, Bk. IX, no. 100; Potthast 2821.

<sup>33</sup> Dated June 21 by Potthast, July 21 by Santifaller, *op. cit.*, 172.

<sup>34</sup> *MPL* CCXV, col. 947, Bk. IX, no. 130; Potthast 2822; T.-Th. II, p. 13, no. 167.

petuity control over the patriarchate of Constantinople itself. Morosini had been forced to swear to appoint only Venetian canons to the chapter of St. Sophia. The canons themselves, moreover, as the Pope said, had sworn to vote for none but a Venetian patriarch. Indeed, beyond this, they had also sworn — though Innocent does not mention it — never to vote for or to receive in their chapter any archdeacon, archpresbyter, provost, dean, treasurer, or other canon unless he were a Venetian or had served in a Venetian church for ten years; and to require the same oath of all canons to be elected to the cathedral chapter in future.

Although the text of Morosini's oath is apparently lost, that exacted from the canons survives as it was first taken on May 8, 1205, signed by eleven new canons of St. Sophia, all, of course, Venetians, and as taken a week later by four more canons, who could not write.<sup>35</sup> Above and beyond this attempt to perpetuate a Venetian patriarchate in Constantinople itself, and in its electoral body, the new Latin cathedral chapter of St. Sophia, the Venetians had secured from Thomas a further oral promise that all future archbishops in Romania should also be Venetian: a provision which, if carried out, would have secured their local power throughout the Empire. The Pope was naturally disturbed by this concerted Venetian campaign. Still hopeful, however, of great things from the Venetians in the Holy Land, he was not yet as severe as might have been expected, and confined himself to invalidating the oaths and to cautioning Morosini against any attempt to abide by them or to repeat them.

A month later Innocent backed up with action his verbal denunciation of the Venetian plan. On July 25, 1206, he confirmed two new canons of St. Sophia who had been appointed not by the Patriarch but one by each of the papal legates. Benedict of St. Susanna and Peter Capuano had now begun to exercise the powers conferred upon them by the Pope for use if they should find the Patriarch negligent of his duty. Both new canons were non-Venetian: one was Walter of Courtrai, later chancellor of the Empire, who was of course a Fleming; the other, Clement, the provost of the church of St. Stephen at Constantinople, was Italian but not Venetian, and was a personal friend of the legate, Peter Capuano.<sup>36</sup> Foreseeing that Morosini would not confirm these canons appointed by the legates, Innocent specifically instructed him to let nothing hinder him from accepting Clement — not even the plea that a fixed number of prebends for the cathedral chapter, had previously been established, and that Thomas did not wish to go beyond this

<sup>35</sup> T.-Th. I, pp. 547 ff. nos. 144 and 145.

<sup>36</sup> *MPL* CCXV, col. 946, 951, Bk. IX, nos. 129, 134; Potthast 2853, 2857.

number. Even if the chapter were already full, Clement was to be added to it. The Pope warned the Patriarch that he did not wish Clement to have to take the long, hard journey back to Rome to secure his rights.<sup>37</sup>

Thus, by securing through his legates the appointment of non-Venetians, the Pope combatted the Venetian plan, and strove to prevent the cathedral chapter of St. Sophia from becoming all-Venetian. Similar efforts were made at irregular intervals throughout the patriarchate of Morosini. On July 29, 1207, Innocent confirmed Wibert, a priest appointed canon of St. Sophia by Cardinal legate Benedict;<sup>38</sup> on November 2, 1209, he commanded Thomas to receive into the canonate of St. Sophia a certain G., a cleric attached to the Emperor Henry (1206–1216),<sup>39</sup> and therefore presumably a Frenchman; on March 15, 1210, he angrily required the Patriarch to receive three new French canons. Emperor Henry, the Pope reported, had complained that Morosini was favoring the Venetians and slighting the French more than the mere demands of the Patriarch's own Venetian flesh and blood required.<sup>40</sup> Besides this method of opposing the Venetians, Innocent had another: threats of punishment for their numerous offenses committed on the fourth Crusade, but especially for their crimes at the capture of Zara, which had never been fully expiated, and which it was sometimes convenient to recall, as Innocent did in an admonitory letter of August 5, 1206.<sup>41</sup>

None the less, the Venetian canons continued to take the oath to exclude non-Venetians: two further examples survive, one taken by Canon Egidius in November, 1207, and the other by Canon Henry in April, 1208.<sup>42</sup> In the latter month indeed the whole problem came to a head. Innocent wrote the Archbishop of Verissa (Vrysis),<sup>43</sup> the Bishop of Panados, and the Cantor of the church of St. Paul at Constantinople, reviewing the situation: the French clergy and the Patriarch had brought the dispute to him, and he had heard both sides in public consistory. The French clergy had told him of the original treaty which had guaranteed the patriarchate to the party which should not elect the Emperor, and of the oath subsequently obtained by the Venetians from Morosini. The French charged that, although they had abided by their promise to obey the decisions of Cardinal-legate Benedict in his efforts to secure peace between them and the Venetians, Morosini had vio-

<sup>37</sup> *MPL* CCXV, col. 975, Bk. IX, no. 148; Potthast 2872; T.-Th. II, p. 36, no. 175.

<sup>38</sup> *MPL* CCXV, col. 1196, Bk. X, no. 128; Potthast 3148.

<sup>39</sup> *MPL* CCXVI, col. 147, Bk. XII, no. 113; Potthast 3813; T.-Th. II, p. 109, no. 210.

<sup>40</sup> *MPL* CCXVI, col. 217, Bk. XIII, no. 18; Potthast 3936; T.-Th. II, p. 117, no. 221.

<sup>41</sup> *MPL* CCXV, col. 957, Bk. IX, no. 139; Potthast 2866; T.-Th. II, p. 27, no. 172.

<sup>42</sup> T.-Th. II, p. 61, no. 184 and p. 75, no. 199.

<sup>43</sup> On the Latin Archbishopric of Verissa, the former Greek autocephalous Archbishopric of Βρυῖσις, see Wolff, *Organization*, 53.

lated his promise to do so by refusing to accept (non-Venetian) canons appointed to St. Sophia by the legate. The rejected canons had appealed to Rome.

The Patriarch's representatives had then replied that Thomas could not have accepted these canons appointed by the legate, since he had already appealed to Rome the whole question of the legate's authority to make such appointments. Had he obeyed the legate under the circumstances, he would have done injury to Venice. The Patriarch, his representatives continued, had already filled all the vacant prebends; while the legate, by the Pope's authority, had the right to appoint canons only if the Patriarch should have neglected to do so and thus left vacant prebends. Morosini's representatives also denied that he had taken an oath to appoint Venetians only; but Innocent declared his own belief that Morosini had indeed done so. The Venetians, the Pope declared, had not only prevented the Patriarch from leaving Venice (in 1205) — and thus from escaping his creditors — until he had sworn what they demanded, but had refused to allow him to insert into his oath the saving clause with respect to the rights of the Apostolic See which he had wished to include.

The papal decision was as follows: within two months after the receipt of this letter, Thomas was to abjure his oath publicly before all the clergy of Constantinople, and to promise not to keep it. By suspending the (Venetian) canons of St. Sophia from office, he was to compel them to renounce their oaths and to promise not to keep them. By the same date he was to receive into the chapter the canons appointed by the legate, and to ensure their peaceful possession of their prebends. If he failed to comply, he was to be removed from office. The three clerics to whom the letter was sent were charged with the responsibility of enforcing the Pope's commands, and of publishing Morosini's suspension if this should prove necessary.<sup>44</sup>

In a letter to Thomas himself written the same day, Innocent reminded him of the favor he had shown him in confirming him as Patriarch despite his uncanonical election. Reviewing various other charges against Thomas (which had been accumulating, and to which we shall recur), Innocent solemnly reminded him of the original papal requirement that the canons of St. Sophia should be chosen from clerics of all nations, and castigated him for his disobedience. Suppose, said Innocent, that the Romans should take an oath that no man might be chosen Pope or made a member of the College of Cardinals except a Roman, or should take an oath not to appoint any but Roman patriarchs, archbishops, and bishops throughout the world.

<sup>44</sup> *MPL CCXV*, col. 1392, Bk. XI, no. 77; Potthast 3384; T.-Th. II, p. 83, no. 201.

Death would be preferable to acceptance of such a wrong. Innocent continued by apprising Thomas of his decision and of the penalty for disobedience.<sup>45</sup> Presumably in order to forestall disorders and to give Morosini a fair chance to redeem himself, Innocent simultaneously commanded the French clergy in Constantinople to remain obedient to the Patriarch during the two months of grace allowed him, and not to cease obeying him unless he should fail to comply with the Pope's decision.<sup>46</sup>

Because of the fortunate preservation in the papal registers of a letter written to Innocent sometime in the year 1209, we know in detail how Thomas responded. Declaring that they wished to give the Pope a testimonial of Thomas' good behavior, the Bishops of Selymbria, Panados, and Gallipoli reported that, as soon as the papal decision had arrived in Constantinople, Thomas had accepted it with true devotion. He had speedily assembled all those able to make an appearance in those difficult times, and had caused the Pope's letter to be read aloud to them. A new complication had arisen, about which he needed advice: in addition to those canons previously known to have been appointed by the legates, and whom Innocent had commanded him to accept, there were others who had received letters of appointment from Cardinal-legate Benedict, which they had previously concealed, but which they now produced, coming forward and demanding to be installed as canons of St. Sophia. The bishops advising against their acceptance, the Patriarch then assembled the clergy, and, on December 15, 1208, made his public renunciation of the oath taken to the Venetians. In his own defense Morosini alleged that, contrary to current slander, he had never taken any oath to promote only Venetians to be bishops or not to obey the Pope. He declared that the Doge and his councillors and the "populus" of Venice had been bitterly opposed to his acceptance of the original papal command that he accept clerics of all nationalities, and had expressed their fear that, as more Frenchmen arrived in Constantinople, they would take high church office, thus depriving the Venetians of the control of the church which had been promised them by the treaty of March, 1204. To bring pressure on him (Morosini continued) the Venetians had not only prevented his departure from Venice for Constantinople, thus exposing him to persecution from his creditors, but had threatened to send to Constantinople and seize what was left of the treasury of St. Sophia. This step the Patriarch's Venetian creditors feared, because, if it were taken, he might never be able to repay his debts. Only in this intolerable plight, Thomas declared, had he consented

<sup>45</sup> *MPL* CCXV, col. 1387, Bk. XI, no. 76; Potthast 3385; T.-Th. II, p. 76, no. 200.

<sup>46</sup> *MPL* CCXV, col. 1395, Bk. XI, no. 79; Potthast 3386.

to take the oath required of him by the Venetians, and then chiefly as a measure to procure his own release so that he might start on his journey to Constantinople.

But he admitted that he *had* sworn to appoint only Venetian canons and to strive to prevent non-Venetians from becoming archbishops — always, he insisted, with the saving clause reserving the rights of the Apostolic See. This oath he now publicly renounced, and promised not to abide by it. He then required the canons to renounce their oaths, and proceeded to receive as canons, and promise protection to all those clerics whom the Pope had commanded him to accept, with the exception of those who had since become bishops. To demonstrate his good will and his desire to abide by the papal command, he himself then publicly created a Piacenzan, Master Blaise, canon of St. Sophia.<sup>47</sup>

This renunciation, on the face of it, ended the controversy in a complete papal victory; but, as we have seen, Innocent continued occasionally to appoint canons. As late as March 15, 1210, he complained that Thomas was discriminating against the French. After this period, however, the quarrel disappears from the sources. Apparently the Pope had established the principle for which he had been contending. Later Popes, however, occasionally appointed canons to the cathedral chapter, perhaps in order to combat Venetian influence, perhaps merely to keep alive their active right to do so. Although it seems probable that the oath, to which Innocent so strongly objected, ceased to be exacted from newly-appointed canons, the chapter remained largely Venetian. Despite the occasional forcing of clerics of other nationality upon the chapter's membership, Venice continued to exercise the predominant influence on the church of Constantinople and thus over the patriarchate itself. The oaths originally exacted from Morosini and from the canons remain of great interest, not only as an indication of the political (and almost certainly economic) importance attached by the Venetians to ecclesiastical predominance in Constantinople, but also as an extraordinary and violent attack upon the established principles of canon law, and a bold attempt to capitalize upon the new situation in the east.<sup>48</sup>

In 1208, at the time he was forced to renounce his oath to the Venetians, Morosini was also charged by the French party with having stolen 100,000 marks from the treasury of St. Sophia, and certain property from the French party's churches — notably some marble columns from the Church of the

<sup>47</sup> *MPL* CCXVI, col. 118, Bk. XII, no. 105; T.-Th. II, p. 101, no. 204.

<sup>48</sup> Cf. Santifaller, *op. cit.*, 140 ff.

Resurrection (Anastasis).<sup>49</sup> They also accused him of diverting to his own use three hundred hyperpers<sup>50</sup> given him by the Empress<sup>51</sup> and others for the support of the Cardinal legate (a sum which he should have contributed himself, since the Emperor had already given twelve hundred hyperpers for this purpose), and three hundred additional hyperpers extorted from the clergy, totalling six hundred. To these charges Morosini's representatives at Rome replied that Thomas had dipped into the treasury of St. Sophia not only because of the needs of the church, but also because of the needs of the state: he had given, they said, 3,000 marks to the Emperor and 2,000 to the Venetians; he had spent 4,000 to buy property for the church, which he would do any time he got the opportunity. The representatives, however, do not seem to have accounted in any way for the rest of the 100,000 marks, nor did they deal with the charges involving the six hundred hyperpers or the columns. On April 17, 1208, Innocent instructed the Bishop of Selymbria, the Archbishop-elect of Heracleia, and the Cantor of St. Sophia, to see to it that Thomas refund any sum misappropriated to his own use from the funds which should have gone toward the maintenance of the papal legate, and that he make restitution of whatever sums he might have taken from the treasury of St. Sophia. The Pope forgave the removal of the columns.<sup>52</sup>

On the occasion when, complying with the Pope's command, Thomas publicly renounced his oath to the Venetians, he also dealt publicly with these charges. Exhorting his audience not to conceal the truth about these matters, concerning which the French clergy, he said, had lied to the Pope, he invited any cleric present to speak up, and register a complaint as to any losses suffered by his own or by any other church at the hands of the Patriarch. He offered to pay back double the amount of any such losses. He

<sup>49</sup> On this church see R. Janin, "Les sanctuaires de Byzance sous la domination Latine," *Études Byzantines* II (1944) 162 ff.; *Églises* 24 ff.

<sup>50</sup> There is a large literature on the hyperper, as the Byzantine *nomisma*, previously the *solidus*, was called in our period, and several passages exist in contemporary authors which evaluate the hyperper in terms of western currencies. An equivalent of 3.90–4.75 current American dollars may be accepted as approximate for the hyperper of the early thirteenth century, but the purchasing power cannot be accurately estimated. The problem is discussed, with bibliographical references, in my forthcoming article, "Mortgage and Redemption of an Emperor's Son: Castile and the Latin Empire of Constantinople," to be published in *Speculum* during 1954.

<sup>51</sup> The Empress was Agnes, daughter of Boniface, Marquis of Montferrat, who was married in February 1207 in St. Sophia to the Emperor Henry, younger brother and successor of Baldwin I, who had been killed in prison by Ioannitsa, King of the Vlachs and Bulgars after having been captured at Adrianople in the spring of 1205. For the marriage see Villehardouin, *La Conquête de Constantinople*, chapters 456–458, ed. E. Faral, II (Paris, 1939) 306–308; ed. N. de Wailly (Paris, 1874) 294–296.

<sup>52</sup> *MPL* CCXV, col. 1387 and 1395, Bk. XI, nos. 76 and 78; Potthast 3385, 3379; T.-Th. II, p. 76, no. 200.

denied that he had taken more than 18,000 marks from the treasury of St. Sophia at any time. Although admitting that he had received three hundred hyperpers as a contribution to the expenses of the Cardinal legate, he declared that he himself had spent even more, and therefore regarded himself, in this matter, not as a debtor but as a creditor. As for the other three hundred, allegedly wrung from the clergy and misappropriated, he admitted that he had received this sum from the "debtors of the (Venetian) commune,"<sup>53</sup> but maintained that he had then turned it over to a certain Theodore, a representative of the clergy. Theodore himself was present, and confirmed this statement.<sup>54</sup> In this way Morosini defended himself against the charges of peculation; it seems altogether probable that his derelictions in this regard were far less serious than his opponents charged, since this public accounting apparently put an end to their efforts to bring him to book, and satisfied his audience, including the three prelates chosen by the Pope to adjudicate the matter.

#### THE QUESTION OF THE CONVENTUAL CHURCHES

Immediately upon Morosini's arrival in Constantinople in midsummer 1205, the French (i.e. non-Venetian) clergy refused to receive him or to obey him, alleging that his election had been achieved by lies and suppression of the truth. In the presence of Cardinal legate Peter Capuano, they appealed to the Pope. Peter accepted the appeal, and, pending papal action, did not wish to compel the French clergy to render obedience to Thomas. Thomas, however, forced the issue by excommunicating the French clergy, an act whose validity Peter refused to accept.<sup>55</sup> When the second Cardinal legate, Benedict, came from Rome later in 1205, bearing orders that the quarrel should be resolved, he found the Patriarch treating the French clergy as excommunicate, while the legate, Peter Capuano, had continued to deal with them. Since the original agreement between Venetians and Crusaders had expressly provided that the clergy of each party should have the right to appoint priests to its own churches, Innocent had specifically enjoined upon Benedict the necessity of guarding against any effort by Thomas to dispossess the French clergy of their proper benefices.<sup>56</sup> By 1206 both parties to the dispute had accepted the mediation of Benedict: Morosini had agreed to leave the French clergy undisturbed, and the French

<sup>53</sup> On the Venetian colony as a commune, see Wolff, Oath.

<sup>54</sup> *MPL* CCXVI, col. 118, Bk. XII, no. 105; T.-Th. II, pp. 101 ff., no. 209.

<sup>55</sup> *Gesta Innocentii*, chapter 100, *MPL* CCXIV, col. CXLIV.

<sup>56</sup> *MPL* CCXV, col. 715, Bk. VIII, no. 135; Potthast 2575; T.-Th. I, p. 566, no. 156.



clergy had been required to accept Morosini as Patriarch.<sup>57</sup> The settlement, however, did not remain unchallenged.

Morosini and the Emperor Henry (1206–1216), natural leader of the French party, although in theory impartial, also quarreled about the jurisdiction over thirty conventual churches or *praepositurae* in Constantinople. These, like the chapels of the imperial palaces of the Boukoleon and the Blachernae, the Emperor Baldwin had received, when churches, like other property, had been distributed immediately after the Latin conquest. The Pope refers to them as “among the best churches which fell to the lot of the French,” and to them Baldwin had appointed *praepositi* and deans, presumably French. After Baldwin’s death, Henry had continued the practice; but Morosini now claimed the privilege as his own, and the case was adjudged by Benedict. For reasons which will later appear the legate awarded twenty-three of the *praepositurae* to himself,<sup>58</sup> and left the fate of seven others undecided. Thereupon both Emperor and Patriarch appealed to the Pope, who in March, 1208, instructed the Archbishops of Verissa and Gallipoli to settle the matter.<sup>59</sup> On November 2, 1209, Innocent wrote Thomas that the Emperor had again complained, charging that the Patriarch had been ordaining clerics to the imperial *praepositurae* and treating imperial appointees as excommunicate. The Pope commanded the Patriarch to cease these practices, and empowered the Archbishop of Verissa, the Bishop of Selymbria, and the Dean of St. Mary of Blachernae to enforce this command.<sup>60</sup> But Innocent

<sup>57</sup> *MPL* CCXV, col. 959, Bk. IX, no. 140; Potthast 2860; T.-Th. II, p. 19, no. 170.

<sup>58</sup> Gerland, p. 126, mistakenly says that the *praepositurae* were awarded to the Emperor. Note quotation in next note; The “*sibi*” (in italics) can refer only to the legate. See below and notes 145 and 175.

<sup>59</sup> *MPL* CCXV, col. 1349, Bk. XI, no. 16; Potthast 3331; T.-Th. II, p. 72, no. 195: “Significavit nobis . . . patriarcha quod . . . Balduinus . . . triginta praeposituras infra urbem Constantinopolitanam . . . suae donationi retinuit, instituens in eis praepositos et decanos; cui . . . Henricus succedendo, easdem in animae suae periculum ordinare praesumit. Unde nobis humiliter supplicavit ut easdem suae faceremus ordinationi dimitti liberas et quietas, maxime cum . . . Benedictus . . . tunc apostolicae sedis legatus, ex ipsis triginta viginti tres adjudicaverit *sibi*, septem nec adjudicatis nec cassatis in nostrae relictis arbitrio potestatis, et nos tempore ordinationis eiusdem nullam Ecclesiam exceperimus, imo sibi curam Constantinopolitanae Ecclesiae commiserimus generalem. . . . Verum, quia imperator . . . praepositarum ipsarum collationem confirmari sibi . . . postulavit, . . . mandamus quatenus audiat hinc inde proposita. . . .” Boukoleon was the name initially given to a statue of a lion attacking a bullock which stood on the waterfront near the great palace, and then to a palace nearby; it seems to have been used by the Latins as a general term for the great palace itself. See Janin, *Constantinople*, 101–102, 120–121, and references there. The church of St. Michael of the Boukoleon was the name given by the Latins to the Byzantine church of the Nea built by Basil I. See Janin, *Églises*, 374 ff. The palace and church of the Virgin of the Blachernae far up the Golden Horn are also treated fully by Janin, *Constantinople*, *passim*, and *Églises*, 168 ff.

<sup>60</sup> *MPL* CCXVI, col. 147, Bk. XII, nos. 115, 116; Potthast 3815, 3816.

does not appear to have rendered any decision with regard to the appeals from Henry and Thomas as to jurisdiction over the *praepositurae*.

This question remained to vex the successors of both Emperor and Patriarch. Its chief significance lay in the fact that the *praepositi* claimed the right to vote in the election of the Patriarchs. This claim was backed by the (hitherto lost) papal letter of May, 1205, which had authorized all prelates of conventual churches to participate in the elections.<sup>61</sup> If the French faction could maintain their jurisdiction over the *praepositurae*, and establish the right of the *praepositi* to vote in patriarchal elections, they could put in jeopardy the efforts of the Venetians, who controlled the cathedral chapter of St. Sophia, to secure the election of a Venetian patriarch. Conversely, if Thomas, with his predisposition to appoint Venetians, could dispossess the French from the *praepositurae*, and either appoint Venetians to the posts, or prevent the *praepositi* from voting in the patriarchal elections, he could maintain unimpaired the Venetian succession to the patriarchate.

#### INTERREGNUM AND DISPUTED ELECTION, 1211–1215

In June or July, 1211, Morosini died, while on a visit to Thessalonica.<sup>62</sup> There followed a troubled interregnum of more than four years, which began with a disputed election – for which the conflict between French and Venetians had already prepared the ground – and which was not settled until the Fourth Lateran Council of 1215.

During Thomas' last illness at Thessalonica, the *praepositi* of the conventual churches in Constantinople, who were mostly French, began to fear, with reason, that their right, which Innocent III had granted them, to take part, together with the cathedral chapter, in the election of a new Patriarch, would be infringed upon if Thomas were to die. They therefore assembled in St. Sophia in the presence of the dean and chapter, and read aloud Innocent's *constitutio* of May, 1205, laying down the method by which the Patriarch of Constantinople was to be elected. Because some of the canons were absent, the conventual clergy could get no satisfactory assurances that they would be allowed to take part; but they also appealed to Rome, in order to prevent the largely Venetian chapter from holding any election without their participation. Returning to St. Sophia three days later to obtain a response to their previous representations to the dean and chapter, they found a throng of armed Venetians in the stalls and about the altar, shouting and

<sup>61</sup> See above, text and note 9. Also below, text and note 149. Appendix, no. II.

<sup>62</sup> Santifaller, p. 28, note 5, lists all references in sources and secondary works to this event.

threatening mutilation and death to any who opposed the election of a Venetian.

Prevented from entering the cathedral, the clergy of the conventual churches suddenly saw a number of the canons come bursting forth from a secret conclave which they had been holding behind locked doors. Though some of the chapter had dissented — perhaps those Frenchmen appointed canons by the Pope or his legates in their attempt to prevent the chapter from becoming all-Venetian — the chapter had already chosen as the new Patriarch Philip,<sup>63</sup> their own dean. Angered at their exclusion, and desiring to take their proper part in the election, the *praepositi* then renewed their appeal to the Pope, and themselves unanimously named three churchmen, from among whom they asked the Pope to choose the Patriarch. These were Sicard, Bishop of Cremona, Peter Capuano, Cardinal priest of St. Marcellus and the Pope's former legate in Constantinople, and Robert de Corzon, a canon of the cathedral chapter of Paris. Their representatives, in presenting this appeal to the Pope, alleged that the election of Philip, the dean, by the cathedral chapter was illegal because it had been connived at in advance.

Because the *praepositi* of the conventual churches had been excluded, Innocent declared the election of Philip, the dean, invalid. He also refused, however, to comply with the request of the conventual clergy to name one of their three choices. This, he wrote on August 5, 1211, would not be advisable procedure. Instead he ordered that a new canonical election take place, with all those privileged to do so taking part. He urged the election of a man of suitable learning, habits, and distinction, reminding both the *praepositi* and the cathedral chapter that, if their candidate should not be suitable, or should not have been chosen according to canonical procedure, the Pope himself would by apostolic authority name a patriarch.<sup>64</sup>

The new election was held on December 24, 1211, with the *praepositi* as well as the chapter participating, and ended in a double choice. It was enlivened by an exchange of charges and countercharges between the parties, and was of course followed by an appeal to Rome, carried by representatives of both sides. What we may now call the French party chose the Archbishop Gervasius of Heracleia, who was, however, a Venetian by nationality; while the Venetian party chose a certain Ludovicus, the *plebanus* of the church of St. Paul in Venice.<sup>65</sup> In their appeal to Rome the representatives of the two parties told the following story of what had happened.

<sup>63</sup> Cf. Santifaller, 28.

<sup>64</sup> *MPL* CCXVI, col. 459, Bk. XIV, no. 97; Potthast 4297; T.-Th. II, p. 127, no. 228.

<sup>65</sup> The technical term for the election to the patriarchate of a cleric already a bishop is *postulatio*, a request for a transfer, or a "calling to office," and so the sources term Gervasius'

The representatives of the Venetian party (the supporters of Ludovicus the *plebanus*) reported that, at the time of the election, seven representatives of the conventual churches had appeared to take part, together with some other clerics, two of whom were finally admitted as representing other *praepositi* who were not present, making the conventual church representation nine strong. These nine, and nine of the Cathedral canons — presumably the French ones, mostly appointed by the Pope — voted for Gervasius, Archbishop of Heracleia, giving him eighteen votes. Fifteen canons and the *praepositus* of the Church of the Holy Apostles voted for Ludovicus the *plebanus*, giving him sixteen votes, from among those present at the election. But the Cantor of St. Sophia, then absent on church business, and eight other canons, also absent, had all cast their proxies in advance for Ludovicus, thus giving him twenty-five votes (although the papal letter adds it up to only twenty-four). To strengthen the position of Ludovicus, the representatives of the Venetian party tried to impugn the legality of the participation in the election of several members of the opposing faction. They maintained that, since the *praepositi* of the two palace churches of Boukoleon and Blachernae were exempt from patriarchal jurisdiction as priests of imperial churches, they should not have been allowed to vote for the patriarch. In addition, four other voters had not themselves been *praepositi*, but only representatives of *praepositi*, and were therefore not properly entitled to vote. Finally, one of the electors had already been made Archbishop of Verissa, and had taken possession of his see before the election, which, they argued, disqualified him also. Thus the Venetian party attempted to cast doubt upon the right to vote of seven of the supporters of Gervasius, which would have reduced the number of his votes to eleven, only two of which would have been cast by clerics outside the chapter. In support of their claim that the conventual churches should not have had more than two votes, the Venetian party reminded the Pope that the number of such foundations had been reduced by previous decision from thirty to seven, whose status was still unsettled, and added that many of the *praepositi* were absent from Constantinople.

Further, they accused Gervasius himself of incontinence, charging that he had a son while a monk. They charged him also with ambition, because, they alleged, on Christmas eve, when the election was still to be held, he had come from his see of Heracleia to Constantinople, and, to the music of a *Te Deum*, had allowed himself to be seated on the throne used by the

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faction the *postulantes*, while the election of a cleric not yet a bishop is termed an *electio*, and the sources therefore term Ludovicus' supporters the *eligentes*.

patriarch on feast days. Moreover, they charged, he had, after the death of Thomas, on his own authority distributed the property of the patriarchate: he had by violence stolen the patriarchal seal from the office (*scrinium*) of the chamberlain, and with it had sealed a letter sent to Ravenna, using its authority to have conveyed to him a considerable sum of patriarchal money deposited there, which he had then distributed at his own whim, thus inflicting grievous injury upon the church of Constantinople. Summing up, the Venetian partisans of Ludovicus declared that Gervasius' party was not only smaller in number, but had in any case lost its rights by choosing a candidate known to be unworthy, since all the aforementioned charges against Gervasius had been ventilated in the actual election conclave. They therefore petitioned the Pope to confirm Ludovicus.

The French party maintained that the Pope's *constitutio* of 1205 had given the conventual churches the right to participate in patriarchal elections, and that this was for the good of the church, since their *praepositi* were enemies of those who sought "to possess the sanctuary of God by hereditary right." This was a shrewd dig at the Venetians, against whom the Pope had for years been levelling precisely this charge in precisely these words, with regard to their attempt to retain exclusively for Venetians the patriarchate and chapter of Constantinople and the archdioceses of Romania. The French party argued that the exemption of the imperial churches of Boukoleon and Blachernae from patriarchal jurisdiction in no way rendered their *praepositi* ineligible to take part in the election of a Patriarch. They claimed indeed that all nine members of their group — seven *praepositi*, and two others representing the other twenty-three *prapositurae* — had cast legal and valid votes. They also claimed, though it is not clear how, six votes more than the eighteen allowed them by their opponents, thus raising the total to twenty-four. They naturally also cast doubt on the claims of the Venetian party, maintaining that the eight absent canons, whose votes the Venetians had counted for their candidate, had been absent from Constantinople so long that they could no longer be considered canons.

They praised themselves for their own exhibition of good will toward Venice, in having chosen a Venetian, a man known for his good mode of life, his excellent administrative ability, and his popularity with clergy and laity — a man whom the Emperor, the suffragan bishops, and the people all desired. They dismissed as untrue the charge of incontinence levelled against Gervasius, adding, however, that if there ever had been any truth in it, his subsequent probity had rendered the accusation invalid. They threatened, if their opponents did not cease to slander Gervasius, that they

for their part could slander Ludovicus. Gervasius, they declared, had not canvassed for election; he had come to Constantinople on Christmas eve for a perfectly honest reason: as the executor of Thomas Morosini's will, he often had business to attend to in the capital. Although he had attended Christmas services, he had sat in the dean's seat, and not in the patriarch's, and had not abused any privileges belonging to the patriarch. Although perhaps not distinguished, Gervasius, they maintained, was competently educated (*litteratus*), and knew his Bible well enough. As for Ludovicus, he was still in minor orders — only a sub-deacon — and this laid him open to the charge of ambition; moreover he was from outside the patriarchate and Empire, instead of a suffragan and neighbor. Finally, they charged, he had himself electioneered, and had written and asked for the votes of some of the canons, despite the denials of his supporters. They therefore asked to have Gervasius confirmed.

Innocent, having thus reviewed the claims of both parties, wrote on August 18, 1212, to his notary, Maximus, instructing him to find out the truth about the election. First the notary was to go to Venice, where both Gervasius and Ludovicus had been born and had lived for many years, and to inquire about their eligibility, and obtain any other information which might prove helpful. Then he was to proceed to Constantinople, where he was to determine whether, at the time of the election, the conventual churches had had a number of *praepositi* large enough, if they had all participated in the election, to have given Gervasius a total of thirty-two votes in all, or twice the number (sixteen) that Innocent was willing to allow for Ludovicus. The Pope thus disallowed the Venetian party's claim to count in Ludovicus' total the votes of the eight absent canons. If Gervasius could be considered to have twice as many votes as Ludovicus, Maximus was to confirm Gervasius (unless he should not be worthy), to dissolve his connections with the archdiocese of Heracleia, and to install him as patriarch. If thirty-two votes could not be mustered for Gervasius, Ludovicus was to be confirmed.

This papal decision is not altogether easy to understand: why should Gervasius have had to secure a two-thirds majority to win the election, while Ludovicus could be elected on the strength of sixteen votes only, even if Gervasius might have had as many as thirty-one? The possible answers seem to be:

1. that the Pope desired Ludovicus' election, whether as a measure of appeasement to Venice or for some other reason, and was making it as hard as possible for Gervasius to be chosen;

2. that the Pope desired Gervasius' election, whether as a measure to limit Venice's power or to show support for the Emperor and the French or for some other reason, and was confident of a two-thirds majority for him; so that he could put the election beyond question by demonstrating Gervasius' strength;

3. that the Pope regarded the votes of the canons of the cathedral chapter as twice as important as those of the *praepositi* of the conventual churches. This possibility, however, seems to be ruled out, since Gervasius also had the support of nine members of the chapter.

If the Pope had desired Ludovicus' election, it seems improbable that he would have disallowed eight votes claimed for him (the absent canons); moreover, it seems improbable that he would ever have consented, as he later did, to the confirmation of Gervasius. So, on the whole, the second hypothesis seems most probable. It should probably be considered, however, whether in sending Maximus first to Venice, where he must have known that he ran the risk of being detained, and in giving him such precise instructions for so complicated a situation, Innocent III did not wish to have the issue remain in doubt; so that he could himself appoint a new patriarch. Since, in the event, this was precisely what happened, it is legitimate to inquire whether the Pope did not expect it to happen, in view of the deep hostility between the factions, and whether his insistence on an apparently unobtainable majority for Gervasius was not in reality a device to assure himself of the opportunity to appoint his own choice to the patriarchate.

Maximus also received instructions covering other possible situations: if Gervasius should be found to have thirty-two votes, but should be found unworthy, neither candidate was to be confirmed, unless it should be found that Gervasius' supporters had deliberately selected an unworthy candidate; in this case, Ludovicus was to be confirmed, and the right to vote taken from Gervasius' supporters. If both candidates had to be discarded, both parties, Venetian and French, were to send representatives to Rome; the Pope would then appoint a patriarch, perhaps Gervasius or Ludovicus, perhaps a third choice.<sup>66</sup>

Three days after issuing these instructions, the Pope granted Maximus the right formerly held by Morosini to absolve those in Romania who had been excommunicated for laying violent hands on clerics;<sup>67</sup> he informed the clergy of Constantinople that Maximus was to be regarded as the Pope's

<sup>66</sup> All the above is from the long letter *MPL* CCXVI, col. 675, Bk. XV, no. 156; Potthast 4577; T.-Th. II, p. 150, no. 234.

<sup>67</sup> *MPL* CCXVI, col. 674, Bk. XV, no. 153; Potthast 4580.

representative in the absence of a patriarch or of a legate;<sup>68</sup> and he asked the Emperor Henry to have confidence in Maximus' decisions.<sup>69</sup> At the instance of the Doge, and over the protests of the French party, Maximus then went to Venice, where he was denied passage to Constantinople, and forced to linger. It was almost a year later before Innocent, on August 12, 1213, remonstrated with the Doge, Piero Ziani, who had meanwhile coolly asked that the Pope now confirm Ludovicus, although the whole controversy remained unsettled, and although Maximus had never been given the opportunity to go on his mission. The Pope's letter to Ziani was rather mild, in view of the offense, possibly because he was still urging a crusade upon the Venetians, and wished to remain on good terms with them. None the less, Innocent naturally refused to confirm Ludovicus, and wrote the Doge that he would now appoint a legate immediately to put an end to the controversy.<sup>70</sup> Six weeks later the Pope named Pelagius, Cardinal Bishop of Albano, and instructed him to settle the case, following the precepts laid down in the letter to Maximus.<sup>71</sup>

In spite of this apparent determination on Innocent's part, there is no surviving evidence to indicate that Pelagius settled the question either way.<sup>72</sup> The papal registers for the years 1214–1215 are lost; so that the source-material suddenly becomes very scanty. However, the contents of some of the lost letters are known; others have been recovered; and certain passages in contemporary German chroniclers permit a reconstruction of developments. The double election was still unsettled at the time of the Lateran Council of 1215, when both candidates came to Rome. Acting on the advice of his cardinals, Innocent deposed both; and then elevated Gervasius, invested him, and sent him back to Constantinople. The Royal Chronicle of Cologne, which reports this development, says plainly that a third man was chosen for the post;<sup>73</sup> but the inaccuracy of this is demonstrated by a letter from Innocent, to be dated late in 1215 or early in 1216, of which the text is lost but of whose contents a summary survives, addressed to all the archbishops,

<sup>68</sup> *MPL* CCXVI, col. 674, Bk. XV, no. 154; Potthast 4581.

<sup>69</sup> *MPL* CCXVI, col. 675, Bk. XV, no. 155; Potthast 4582.

<sup>70</sup> *MPL* CCXVI, col. 891, Bk. XVI, No. 91; Potthast 4784; T.-Th. II, p. 171, no. 238.

<sup>71</sup> *MPL* CCXVI, col. 907, Bk. XVI, no. 112; Potthast 4811; T.-Th. II, p. 173, no. 239.

<sup>72</sup> The sources for Pelagius' mission are Akropolites and Mesarites, ed. Heisenberg, "Neue Quellen zur Geschichte des lateinischen Kaisertums und der Kirchenunion, III, Die Bericht des Nikolaos Mesarites über die politischen und kirchlichen Ereignisse des Jahres 1214," *Sitzungsberichte der bayerischen Akademie der Wissenschaften, Philosophisch-philologische Klasse* (Munich, 1923) 3 Abhandlung, p. 96; Potthast \*5200; Theiner, *Mon. Slav.* I, p. 68, no. 90; Hampe, *loc. cit.*, note 76 below, p. 561, no. 15; and certain hitherto unnoticed or unpublished letters of Honorius III, dealt with below.

<sup>73</sup> *Chronica Regia Coloniensis*, MGH SS XVII, p. 282.



bishops, and other prelates subject to the see of Constantinople, and commanding them to obey "G. formerly Archbishop of Heracleia, Patriarch-elect of Constantinople," who had now been confirmed by the Pope.<sup>74</sup> In another lost letter Innocent conferred the *pallium* upon Gervasius;<sup>75</sup> while a third, discovered only in the twentieth century, granted Gervasius many of the privileges previously conferred upon Thomas Morosini: the right to absolve those who have laid violent hands upon members of the clergy, and those who forge the Patriarch's seal or that of any of his subjects, and the right to anoint kings with the consent of the Emperor.<sup>76</sup> He was also granted the exemption, previously accorded to Thomas, from the clause in his oath which forbade him to sell or alienate or give as a pledge the possessions of the patriarchate,<sup>77</sup> and was permitted on holidays to promote clerics to be sub-deacons.<sup>78</sup> Thus finally the four-year-old controversy was settled, and the Latin Patriarchate of Constantinople received its second Patriarch, Gervasius, a Venetian like the first,<sup>79</sup> but the candidate of the French party. Simultaneously Innocent appointed an archdeacon to the cathedral chapter, whom he commanded Gervasius to receive<sup>80</sup> (it may be conjectured that this appointee was not a Venetian), and confirmed the number of thirty-five canons and forty prebends for the church of St. Sophia.<sup>81</sup>

With the accession of Gervasius,<sup>82</sup> we enter the pontificate of Honorius III, who succeeded immediately after the death of Innocent in July, 1216.

Gervasius proceeded to Constantinople by way of Greece, where he appears to have acted in a high-handed manner, especially in his relations with the Latin Archbishop of Thebes. The archbishop complained to the

<sup>74</sup> Potthast \*5195; Theiner, *Mon. Slav.* I, p. 65, no. 85.

<sup>75</sup> Potthast \*5201; Theiner, *Mon. Slav.* I, p. 66, no. 90.

<sup>76</sup> Text in K. Hampe, "Aus verlorenen Registerbänden der Päpste Innocenz III und Innocenz IV," *Mitteilungen für Österreichische Geschichtsforschung*, XXIII (1902) 560, no. 14.

<sup>77</sup> Potthast \*3195, Theiner, *Mon. Slav.* I, p. 66, no. 83.

<sup>78</sup> Potthast \*5197, Theiner, *Mon. Slav.* I, p. 66, no. 84.

<sup>79</sup> Alberic of Trois Fontaines, *MGH SS XXIII*, 919, calls Gervasius a Tuscan, and is followed by Gerland, 225. But there seems no reason to disbelieve the two references in the papal letters, in one of which the French party calls attention to its broadmindedness in choosing a Venetian, and in the second of which the Pope tells Maximus to look into Gervasius' reputation in Venice, his native place.

<sup>80</sup> Potthast \*5202, \*5203, \*5204; Theiner, *Mon. Slav.* I, p. 66, nos. 92, 93, 94. Text in K. Hampe, *loc. cit.*, p. 562, nos. 16, 17, 18.

<sup>81</sup> Potthast \*5147; Theiner, *Mon. Slav.* I, p. 64, no. 28.

<sup>82</sup> Santifaller, 83 ff. prints and studies the two surviving original documents from the patriarchate of Gervasius. Of interest chiefly to the student of diplomatics, they are of little historical importance. See also J. Longnon, "Le Patriarcat Latin de Constantinople," *Journal des Savants* (1941) 174 ff. for two further documents unknown to Santifaller, relating to the same transaction as one of Santifaller's documents: the bestowal of the church of the Saviour in Modon upon the church of St. Loup in Troyes.

Pope that the Patriarch had claimed the right to hear all cases, even though they had not been appealed to him; he had excommunicated the archbishop's own clergy and lay parishioners without consulting the archbishop; he had upon his own whim conferred upon clerics of his own choice offices and prebends which were in the archbishop's gift and of which Gervasius had no right to dispose.<sup>83</sup> Moreover, he had claimed as belonging to his own jurisdiction certain monasteries in the archbishopric of Thebes, because a former Greek Patriarch had placed a cross in them as a sign of a prayer to be said daily by the local monks for him.<sup>84</sup> Gervasius chose to think that the presence of such a cross in any church indicated that the church was subject directly to him. He also apparently removed from the archbishop's jurisdiction several important churches,<sup>85</sup> and, allegedly without just cause, he excommunicated two of the greatest nobles of Greece, Geoffrey de Villehardouin and Othon de la Roche.<sup>86</sup> In February, 1217, Honorius took measures to correct all of these abuses.

Gervasius apparently arrived in Constantinople sometime late in 1216. The Emperor Henry had died on June 11, but the Pope was unaware of this on August 12, when he wrote commanding Gervasius to cooperate with Henry in every respect, and to make the political as well as the ecclesiastical affairs of the Empire a matter of his personal concern.<sup>87</sup> After Henry's death, Conon de Béthune, one of the original crusaders of 1204, was made *bailli* of the Empire, while the barons deliberated on a successor to the imperial throne. The two candidates were Peter of Courtenay, Count of Auxerre, who had married Yolande, sister of Baldwin and Henry (the first two Latin Emperors), and King Andrew of Hungary, who had married Peter's daughter. The barons chose Peter.<sup>88</sup> In April, 1217, Honorius ordered Gervasius to welcome and aid Peter, whom he had already crowned Emperor in Rome.<sup>89</sup> Honorius was at pains to make it clear to Gervasius that this coronation was not to be regarded as an infringement of the Patriarch's own prerogatives or as prejudicial to the Patriarch's right to crown future Emperors.<sup>90</sup> This papal coronation of the Emperor of Constantinople was indeed to be the exception, not the rule: after Peter, Emperors were crowned by the Patriarch. On his way out to Constantinople, Peter was captured in

<sup>83</sup> Pressutti 340.

<sup>84</sup> Pressutti 341.

<sup>85</sup> Pressutti 342.

<sup>86</sup> Pressutti 332; see below text and note 124.

<sup>87</sup> Horoy II, col. 25; Pressutti 20.

<sup>88</sup> Pressutti 526, 291, 330, 497. For all details on the subject of the history of the Empire see my forthcoming book.

<sup>89</sup> Pressutti 497.

<sup>90</sup> Horoy II, col. 360; Pressutti 497.

Epirus by the Despot Theodore, and was never released. His wife, Yolande, who had gone by ship, ruled as Empress from 1217 to 1219, when she died. After her death, Peter's younger brother, Robert of Courtenay, was chosen Emperor, and came out to Constantinople, where he reigned from 1221 to 1228. Gervasius himself died in November, 1219, as we shall see, and was succeeded in 1221 by Matthaeus.

All during these years, ever since 1204, the question of church property and the related question of church privileges and jurisdiction had been complicating the already difficult position of the Latins in the Empire. We may turn now to this highly important subject, which has never before received careful study by scholars.

#### CHURCH PROPERTY: EFFORTS AT A SETTLEMENT, 1204–1223

The original treaty of March, 1204 between Venetians and Crusaders provided that: “. . . from the possessions of individual churches sufficient should be provided for the clergy and for the churches to enable them to live and to be supported honorably. The remainder of the property of the churches is to be divided.” The division was to be effected according to a pattern already prescribed for division of all other booty to be found in the city: the Venetians were to get one quarter outright; the remaining three-fourths was to be divided between them and the non-Venetians; and the whole operation was to be supervised by a commission of twelve men, six from each party.<sup>91</sup>

Such an attack on the church could not go unchallenged by Innocent. Writing to the Doge on January 29, 1205, the Pope refused to confirm the treaty, and objected specifically to this clause dividing church property. Violent hands, he wrote, cannot be laid upon the treasures of the church without offense to the Lord. The Apostolic See cannot possibly defend any such act: a treaty which pretends to look out for the welfare of the Church actually intends to harm it. How can a commission of twelve men unknown to the papacy, and perhaps enemies of the holy ordinances, be entrusted to carry out such a division? Moreover, the Pope added, he would be unable to confirm any agreement which might injure Thomas, the newly-elected Patriarch, who might well find that his property had been disposed of even before he himself should have arrived at his new post.<sup>92</sup> A few days later the Pope wrote again to the Emperor Baldwin, to Enrico Dandolo, and to Boniface of Montferrat, commander of the armies and soon to be first Latin king of Thessalonica, commanding them not to proceed with the division of the

<sup>91</sup> T.-Th. I, 447, 451.

<sup>92</sup> MPL CCXV, col. 519, Bk. VII, no. 206; Potthast 2398; T.-Th. I, p. 529, no. 131.

church property. Not only is the church of Constantinople injured by this agreement, he declared, but also papal dignity is itself impugned; the agreement is not only *illicitum* but might well be called a *perjurium*.<sup>93</sup> Innocent also informed Reniero Dandolo, acting as Doge in Venice in the absence of his father in Constantinople, of his attitude on the question.<sup>94</sup>

The papal command came too late, however; the great distribution of the booty had already taken place in the autumn of 1204: church property had gone to laymen with the rest, and was secularized according to the program of the treaty. As Nicetas Choniates says: "When they divided up their loot they made no distinction between profane wicked things and holy ones."<sup>95</sup> The churches were apparently left only such property as the commissioners thought would provide a suitable living for the clergy. In view of the greed of the Crusaders, it seems hardly probable that the commissioners were generous in their estimates.<sup>96</sup> Faced with a *fait accompli*, the Roman church continued to press its claims for an indemnity. We find Morosini acting as the partner of the papal legate in the first settlement of this troubled question, which was eventually reached between clerics and laymen on March 17, 1206, and which was then confirmed by Innocent on August 5. Unfortunately we have no sources for the development of the negotiations, and it is therefore impossible to assess the part played by Thomas in reaching the agreement, or to estimate the extent of papal pressure necessary to bring it about.

The agreement was drawn up between Benedict the legate and Thomas the Patriarch on the one hand, and, on the other, Henry, brother of the Emperor Baldwin. Baldwin had been captured in April, 1205, by Ioannitsa, King of the Vlachs and the Bulgarians, and had died or been killed in prison. At the time of the agreement, Henry was not yet Emperor, but still only *moderator* of the Empire; he was not crowned until August 20, 1206, by which time the barons were convinced that Baldwin was really dead.<sup>97</sup> Acting for the barons, knights, and people; i.e. the non-Venetian laity of Romania, Henry undertook to compensate the churches for their lost possessions by agreeing that they were to be awarded one fifteenth of all property outside the walls of Constantinople: cities, castles, villages (*casalia*), fields, vineyards, groves, forests, meadows, orchards (*pomeria*), gardens, salt-pans (*salinae*), tolls (*passagia*), and customs dues (*telonia*) on land and sea, salt and fresh-water fisheries, and all other property not specifically mentioned.

<sup>93</sup> *MPL* CCXV, col. 521, Bk. VII, no. 208; Potthast 2406; T.-Th. I, p. 534, no. 133.

<sup>94</sup> Potthast 2407; T.-Th. I, p. 534, no. 34, not in Migne.

<sup>95</sup> Nicetas, 786.

<sup>96</sup> Cf. Gerland, 75.

<sup>97</sup> Villehardouin, chapters 439–441, ed. Faral II, 252–256; ed. de Wailly, 262–264.

Exempt from this capital levy of a fifteenth was the land next to the (land) walls of Constantinople from the Golden Gate (*porta aurea*) to the Blachernae gate, and land lying between the (sea) walls and the sea. Also exempt were the *casalia monetae* (villages from which a money rent was derived), but the amounts which might have been derived from them were to be compensated for from the next territory to be conquered. The *commercium* or sales tax collected in the name of the city of Constantinople itself was exempt, but not the *commercium* collected on behalf of any other city, even if levied inside Constantinople, or any tribute imposed as the price of peace by the Emperor upon any city, fortress, land, or island, which he could not conquer but from whose rulers he extracted money. If the Emperor wished, he might grant a piece of land as a fief or give it to another or alienate it, but only if the fifteenth which it owed should have been paid to the church.

A commission of “good men” from both sides was to be formed within a week after the treaty had been sealed, who were to proceed to divide all property into fifteenths. If agreement could not otherwise be reached, lots were to be cast to determine which portion was to be the church’s fifteenth. The whole process was to be completed by the next Pentecost. All monasteries inside and outside the city were to belong outright to the church, and were not to be included in the calculations. If any question should arise about a monastery, a commission of three (one from each party, these two to choose a third) should settle it; the Patriarch or the bishop of the diocese must give his consent before any former monasteries were to be fortified in defense of the country; if they should refuse, another three-man commission was to settle the case. In addition to the levy of the fifteenth on all property, the Latin Emperor, his barons, knights, and people pledged themselves also to pay annual tithes (tenths of income) according to the custom of the Latins, but not of the Greeks. If, as time went on, the church should succeed in getting the Greeks to pay tithes also, this was not to have any bearing on such payments from the Latins. The clergy and all their possessions were to be free from lay jurisdiction. Moreover, the church was to receive in addition a fifteenth of all lands still to be conquered before they were distributed.<sup>98</sup>

<sup>98</sup> *MPL* CCXV, col. 967, Bk. IX, no. 142; Potthast 2867; T.-Th. II, p. 31, no. 173: “Dominus Henricus . . . dat ecclesiis, et promittit se daturum in earundem recompensationem possessionum, sicut inferius denotatur, extra muros civitatis Constantinopolitanae, quintam decimam partem omnium possessionum, civitatum, castrorum, casalium, camporum, vinearum, nemorum, silvarum, pratorum, pomeriorum, hortorum, salinarum, passagiorum, teloneorum terrae et maris, piscariarum in mari et in aqua dulci, et omnium possessionum, etsi in praesenti scripto non reperiantur in solidum declaratae: his exceptis, quod de terra, quam habent juxta muros nominatae civitatis, a porta aurea usque ad portam Blachernae, infra murum ipsius et mare, dare quintamdecimam nullatenus tenebuntur; nec etiam de casalibus monetae, in quorum repensationem casalium dominus Henricus et praedicti, secundum eorundem casalium valorem,

Through the efforts of Morosini and of the legate, backed by papal authority, a partial redress had now been promised to the church for the wrongs done it by the first treaty between laymen, which had cost it all its property save what had been judged by laymen essential to the support of the clergy. The text of the treaty directly implies that the properties which had been held by the Byzantine church under the Greeks were now deemed by Morosini and the legate and the Pope to be beyond recovery. The fifteenths of lay property were not restitution of what had been lost, but were to be given to the churches in compensation. Whenever a lay proprietor should demur at giving the church its first choice among the fifteenths of his property, that fifteenth which was to go to the church was chosen by lot. The chance of the Latin churches recovering former Greek church property was probably very small. Thus the Latin church in the Empire was to start afresh, with new lands to administer.

Moreover, the agreement could be only partial, since the Venetians, who were just as guilty as the barons in the original seizure of church property, were not party to the restitution. So far as we know from the surviving documents, they had not yet been compelled to make amends.

Thomas Morosini himself prevented this settlement from restoring peace. After the quarrel between the Emperor and clergy had been composed and the fifteenths had actually been allotted, Thomas sequestered, and held in sequestration for three years, the entire proceeds of the fifteenths, and of all the tithes as well. This he did in order to challenge a ruling of the papal legate, who, at the request of the suffering clergy, had decreed that the Patriarch should content himself with one quarter of the total sum involved in both fifteenths and tithes. Thomas wanted half. His representatives

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in prima conquisitione satisfacere de quintadecima ecclesiis tenebuntur. De commercio, quod infra Constantinopolim vel extra nomine civitatis receperint, quintamdecimam non dabunt. Si in ipsa civitate Constantinopolitana, nomine alterius civitatis, aut loci, vel alibi, commercium solvetur, quintamdecimam dabunt Ecclesiae; si vero cum aliqua civitate, vel castro, terra, vel insula, quam dominus Henricus subjugare sibi et imperio non poterit, per annum censum compositum fuerit, quintamdecimam dabunt Ecclesiae; sed, si feudare, vel donare, vel alienare voluerit, hoc faciat, salva primo ecclesiarum quintadecima parte. Divisiones possessionum inter ecclesiam et praedictos hoc modo fient, quod boni viri, post bullatum praesens instrumentum, infra octo dierum spatium ab utraque parte eligentur, qui jurati bona fide de possessione cujuslibet terrae et aquae quindecim partes facient, et sortes mittent, si aliter convenire non possint, et supra quam sors ceciderit Ecclesiae erit Ecclesiae. . . . Dabunt etiam decimas Latinorum in perpetuum, videlicet de blado legumine et omnibus fructibus terrae et vinearum quas excolunt, vel propriis sumptibus excoli facient, et de fructibus arborum et hortorum. . . . De nutrimentis animalium, quadrupedum, et de apibus et lanis decimae solventur, et, si progressu temporis Ecclesia a Graecis decimas per exhortationem et admonitionem acquirere poterit, per eos nullum impedimentum praestabitur. . . . De terris vero, quae, Deo volente, de caetero conquirerentur, primo habebit Ecclesia quintamdecimam partem, antequam alicui distribuantur."

at Rome contended that the legate had had no right to legislate as to the distribution of the tithes, and especially as to the distribution of the fifteenths, which, at the time of his ruling, had not yet been assigned to the individual churches.

For three years this matter dragged on, while the tension between the Patriarch and his clergy became greater. On March 7, 1208, the Pope felt himself compelled to command all the clergy of Constantinople belonging to those churches under Morosini's jurisdiction (that is, all those not under Grado directly) to render Morosini the canonical obedience which was his due,<sup>99</sup> thus implying, of course, that they had not been doing so. Five days later he wrote commanding the Archbishop of Verissa (Vrysis) and the Bishop of Panados to put a stop to a practice of which the Patriarch had complained: the clergy of the churches exempt from his jurisdiction had been receiving at divine service residents of parishes under the Patriarch's interdict, and even individuals who had been directly excommunicated by the Patriarch.<sup>100</sup> These two documents indicate how close to open revolt the situation had grown.

Finally, on April 6, 1210, Innocent backed the legate, and ordered Thomas to be content with one quarter of the money, and not to put further hindrance in the way of the clergy collecting their share. The Bishop of Gallipoli and the deans of the churches of St. Sophia and of Blachernae were to enforce the decree.<sup>101</sup> Eight months later, however, the matter was apparently still hanging fire. On December 7, 1210, the Pope ordered the Bishop of Selymbria to settle the matter of the division of the tithes and the fifteenths by serving on a three-man commission with a representative of the Patriarch and one of the clergy until a new papal legate should arrive. If either party should refuse to appoint a representative the Bishop was to act together with the representative of the other side.<sup>102</sup> In this way – and these are all the details which survive – Morosini had transformed a settled dispute with the Emperor into a new dispute with the papal legate and with his own impecunious clergy. We do not know whether the Patriarch ever relinquished to his clergy any share of the fifteenths or of the tithes, or how large a share he kept for himself.

In addition to this initial agreement on church property within the Empire proper, a settlement was also reached during Morosini's patriarchate with regard to church property in Greece "from the borders of Thessalonica

<sup>99</sup> *MPL* CCXV, col. 1351, Bk. XI, no. 20; Potthast 3317; T.-Th. II, p. 66, no. 186.

<sup>100</sup> *MPL* CCXV, col. 1351, Bk. XI, nos. 18, 19; Potthast 3333–4; T.-Th. II, p. 74, nos. 97, 98.

<sup>101</sup> *MPL* CCXVI, col. 230, Bk. XIII, no. 44; Potthast 3963.

<sup>102</sup> *MPL* CCXVI, col. 355, Bk. XIII, no. 186; Potthast 4141.

to Corinth," which Innocent III extended to the Kingdom of Thessalonica. There, under the first Latin King, Boniface of Montferrat, there had been no wholesale confiscation and division of ecclesiastical possessions such as had taken place by agreement in the Empire. Indeed, Boniface had restored all church property and privileges to Benedict of St. Susanna; but, some time after Boniface's death at the hands of the Bulgars on September 4, 1207,<sup>102a</sup> the Lombard nobles rose in revolt on behalf of his son by his first marriage, William of Montferrat, and against the Emperor Henry and Boniface's son by his second marriage, the infant heir to Thessalonica, Demetrius.<sup>102b</sup> During the revolt, which was not put down until 1209, the barons committed many abuses, secularizing church property, and forcing the sons of Greek priests to perform military service. The Greek clergy had regularly paid the so-called *acrosticon* (sometimes corrupted in Latin to *crustica*) to the secular authorities for their lands, and the Lombard rebels not only took advantage of this Greek practice to extract a similar tax from the Latin clergy but also gave up the Latin practice of paying tithes to the church, and did not require their subjects to pay them either.<sup>103</sup> Despite his war against the Lombard nobles, the Emperor Henry did not side with the church against them in these matters, as might have been expected. Indeed, he always hoped to bring them back to their loyalty to him, and he too had his differences with the Latin clergy, arising out of his decree that fiefs could not be left to the church by will, a ruling strongly protested by Innocent III.<sup>104</sup>

Not until the civil war with the Lombards had been won was the issue of church property in Greece north of Corinth and in the Kingdom of Thessalonica resolved at the so-called *Parlement* of Ravennika, held in 1210. Here a pact "concerning all the churches situated in Thessalonica and up to Corinth," was concluded between the Patriarch and clergy on the one hand, and the barons on the other, and was approved by the Emperor. The Pope later extended its provisions to the Kingdom of Thessalonica. By its terms the barons resigned into the hands of the Patriarch all church property of all sorts, and undertook to guarantee the clergy in its possession, free from all *angareia* (corvée) and other impositions or demands for service, except for the *acrosticon* which the Greek clergy had paid to the lay lords in the period

<sup>102a</sup> Villehardouin, chapters 497–499, ed. Faral II, 312–314; ed. de Wailly, 298–300; for the exact date as recorded in a Cistercian martyrology see A. Ceruti, "Un codice del monasterio cistercense di Lucedio," *Archivio Storico Italiano*, 4 ser., VIII (1881) 378, note 4.

<sup>102b</sup> For the Lombard revolt see especially Henri de Valenciennes, *Histoire de l'Empereur Henri*, ed. J. Longnon (Paris, 1948).

<sup>103</sup> Cf. Gerland, 192–209.

<sup>104</sup> *MPL* CCXV, col. 1348–1349; Bk. XI, nos. 12, 13, 14, 15; Potthast, 3327, 3328, 3329, 3330, March 12, 1208; *MPL* CCXVI, col. 296, Bk. XIII, no. 98; Potthast 4042.



before Constantinople had been captured; the *acrosticon* must be paid, whether by Greek or Latin clergy, for lands which had paid it under the Greeks. The barons would make no other claims. If any cleric, secular or regular, Greek or Latin, who held lands of the barons and worked them, refused to pay the *acrosticon*, the baron in question was empowered to seize as much of the cleric's goods as would pay the debt, but no more. The barons agreed not to seize the priests' heirs or their wives for debt; but the sons of ecclesiastical tenants, like the sons of laymen, would have to perform military service for their lords unless they should have been ordained. After ordination, they were to enjoy the same exemption from military service as Roman clerics.<sup>105</sup>

This settlement differs materially from that in the Latin Empire. In Greece and the Kingdom of Thessalonica, church property had not been lost beyond recovery, and restitution was possible and required. Moreover, it is interesting to note that the Latin clergy were obliged to pay to laymen the former Greek levy of the *acrosticon* for lands which had owed the levy before their arrival. A further difference arises from the obvious fact that Venice had no role in the Latin Kingdom of Thessalonica, and the church was not faced as it was in the Empire with the difficult task of compelling the Venetians to make restitution. The fact that Honorius III confirmed it on January 19, 1219, suggests also that in practice the settlement had worked far better than the first unsuccessful effort in Romania proper.

<sup>106</sup> Preserved in full in the confirmations by Honorius III of January 19, 1219, and September 4, 1223, from the latter of which Horoy prints it. Horoy IV, col. 409, Bk. VIII, no. 10; Pressutti 1816 and 4480: "Hoc est pactum sive conventio super universis ecclesiis positus . . . in Thessalonica usque Corinthum, quod intervenit inter dominum Thomam . . . patriarcham et archiepiscopos . . . et episcopos . . . , et barones . . . Renuntiaverunt . . . quidem domini . . . omnes ecclesias et monasteria, possessiones, redditus, mobilia et immobilia bona, et universa jura Ecclesiae Dei, volentes, et firmissime permittentes dictas ecclesias et monasteria . . . et personas in ipsis posita et ponendas, et claustra ecclesiarum et servientes et servos et ancillas et homines et universa supplectilia et bona libera et absoluta per se successoresque suos, homines, milites, vassalos, fideles, servientes et servos in perpetuum permanere ab omnibus angariis et parangariis, taliis, serviitiis et servitutibus universis, excepto acrostico tantum, quod eis debent cuncti sive Latini sive Greci, tam in dignitatibus, quam in minoribus officiis et ordinibus constituti propter terras, quas tenent ab ipsis, si quas tenet vel tenuerunt, quod tempore captionis civitatis regiae Constantinopolitanae solvebatur a Graecis, et nihil aliud debent, et nihil aliud praefati barones . . . vendicare, nihilque in posterum usurpare. . . . Si qui fuerint de clericis Latinis, vel Graecis, sive papatibus, vel monachis calogeris . . . qui dictorum baronum terras detineant, et laborent, et acrosticam solvere noluerint termino inter eos statuto, nisi solverint quod tenentur, potestatem habeant nominati barones accipiendi de bonis eorum tantum, quod eorum debitum et nihil amplius persolvatur. . . . Haeredes vero, sive filios clericorum sive papatum, et uxores eorum non capiant vel detineant . . . filii quoque laicorum Grecorum, sive clericorum seu papatum in baronum servitio juxta morem solitum perseverent, nisi per archiepiscopos vel episcopos vel de eorum licentia fuerint ordinati. Post ordinationem vero eodem privilegio gaudeant, quo fruuntur clerici in obedientia Romanae ecclesiae constituti." See Wolff, Organization.

We have no further direct sources regarding the development of the property settlement question in the Empire under the pontificate of Innocent III or the patriarchate of Thomas Morosini. But the question had remained very much alive, as we learn from materials dating from the earliest years of the pontificate of Honorius III and the patriarchate of Gervasius.

On April 21, 1217, at about the same time as his coronation of the Emperor Peter, in Rome, Honorius appointed as legate to Constantinople, Cardinal John Colonna, titular priest of St. Praxed. The legate was soon afterwards captured with the Emperor Peter in Epirus, but was later released by Theodore and reached Constantinople safely.<sup>106</sup> One of Honorius' letters to John, detailing his powers and duties, reveals that the church property question in Constantinople had taken a new turn: Patriarch Gervasius had asked that Honorius confirm a decision made by Innocent III at the request of the late Emperor Henry, to the effect that *one-twelfth* of all property situated beyond Macri (*ultra Macram*), ecclesiastical as well as lay, was to be distributed among the churches of Constantinople, and also that *one-twelfth* of all property held by the Podestà of Venice and the other Venetians throughout the Empire should be given to the same churches. The Pope instructed his legate to look into the question, and to settle it as seemed best to him.<sup>107</sup>

We have here a reference to a new settlement, concluded while Henry was still Emperor and Innocent III still Pope: that is to say, before 1216. The last surviving reference to the church property question in the correspondence of Innocent III is in his letter of December 7, 1210, already mentioned, in which he gave instruction for the immediate collection of tithes and payment of fifteenths, but made no mention of twelfths. Another letter of Honorius III, whose full text has never before been printed, contains concealed in that portion of its text hitherto unavailable a hint which enables us to say with some certainty that the new award of twelfths was made as a result of a settlement reached by Pelagius during his mission to Constantinople. From this letter, whose text is reproduced in the Appendix to this article, we learn that Pelagius had taken away the fifteenths from the church: it seems most probable that he cancelled the award of the fifteenths, already ren-

<sup>106</sup> Pressutti 526. The appointment is announced to the Patriarch and the Emperor, to all the prelates of the Empire, to the Podestà of the Venetians, to Milo de Brabant, the *buticularius*, to Conon de Béthune, the *baiulus*; to Geoffrey of Achaia, seneschal, to Berthold of Katzenellenbogen, *baiulus* of the Kingdom of Thessalonica, to Nicholas of St. Omer, to Count Maio (Orsini) of Cephalonia, to Narjot de Toucy, and to the lords of Nigropont.

<sup>107</sup> Pressutti 584.

dered ineffective by Morosini's behavior, and succeeded in obtaining an award of twelfths instead.<sup>108</sup>

From the point of view of the Latin church, the new arrangement, of whose details we know no more than what is given in Honorius' letter, apparently had two great advantages over the earlier award of fifteenths. In the first place, twelfths are a substantially greater fraction than fifteenths; and, if the types of property were as carefully and comprehensively enumerated in the new settlement as they had been in the old, the churches would have made real gains. In the second place, the Venetians were obligated by the new settlement, as they had not been by the first one. But the settlement had in any case remained a dead letter, and the churches had not yet obtained justice.

It remains briefly to gloss the words *ultra Macram*. Macri is and was a town on the shore of the Aegean, slightly to the west of the present-day Alexandroupolis (Dedeagach). It was in this region that Villehardouin, historian, crusader, and Marshal of Romania, had been awarded his fief.<sup>109</sup> This was clearly a boundary point between the Latin Empire proper and the Kingdom of Thessalonica, and from now on we find the sources regularly referring to lands *ultra Macram* or *citra Macram*. But what lay *ultra Macram* and therefore in the Kingdom of Thessalonica from the point of view of a person writing in Constantinople, lay *citra Macram* from the point of view of a person writing in Rome; what lay *citra Macram* and therefore in the Latin Empire proper from the point of view of a writer in Constantinople, lay *ultra Macram* from the point of view of a writer in Rome. Thus the student of documents employing this terminology must be extremely careful to note the place of origin of each document he examines, or he will misunderstand the use of *ultra* and *citra* and mis-locate the regions to which his document refers. Moreover, his task is complicated by the fact that a document drawn up in Rome is sometimes a confirmation of one drawn up in Constantinople, and that the authorities in Rome sometimes changed the original terminology from *citra* to *ultra* or vice versa to make the geographical description conform to the Roman viewpoint, and sometimes did not. In what follows I have each time both quoted and glossed the geographical terminology. In this letter of Honorius, *ultra Macram* is to be understood as referring to the Latin Empire proper, which, for a writer located in Italy, lay beyond Macri.

<sup>108</sup> Pressutti 1428. For text see Appendix, no. III. The important words are . . . *quintadecima sibi per episcopum Albanensem subtracta*. . . .

<sup>109</sup> J. Longnon, *Recherches sur la vie de Geoffroi de Villehardouin* (Paris, 1939) p. 89 and note 5.

When John Colonna, the papal legate, was captured and held prisoner in Epirus, Honorius wrote to Patriarch Gervasius on August 10, 1217, instructing him to postpone any action on the question of the restoration of church property, which the Patriarch was then disputing with the *baiulus* (Conon de Béthune) and princes (barons) of the Empire. The Pope warned that disunity among the Latins would only encourage the Greeks, and so commanded that this quarrel be suspended without decision. In a portion of this letter printed for the first time in the Appendix below, the Pope declared that the quarrel between the clergy and the laity over church property threatened the very existence of the Empire: the lay lords of the Empire (*principes*) were afraid to go into battle because of the sentence of excommunication which had been passed against them. The Patriarch was instructed to present these arguments to his fellow-clerics. The Pope added that at a suitable moment he would re-open the question, but urged the Patriarch to work for unity among Latins during the emergency. Honorius also added an enclosure to this letter, previously unknown, in which he explains that it had been Innocent III who had passed the sentence of excommunication against the barons, and that Innocent had died before the sentence was promulgated. Moreover, the Emperor (whom the scribe calls B. — for Baldwin — but who was of course Henry) had also died without having obeyed the Pope's commands. Because a sentence of excommunication loses its validity with the death of the Pope who pronounces it, and because the Emperor, who in general had been a dutiful man, had also died, it was Honorius' view that the sentence should no longer be valid. He did not feel that the *principes* should be punished, especially as their hesitation to restore church property was in part due to their wish not to act during an interregnum. But, Honorius adds, he had not included this line of reasoning in his main letter lest the *principes* find out that there was a legal argument about the validity of the sentence, and use it as an excuse at some time in the future to delay further the whole question of restoring church property.<sup>110</sup>

We learn from this letter that, in the last days of Pope Innocent III and Emperor Henry, the property quarrel had reached a new pitch of severity, but that, in view of the political emergency created by the capture of Emperor Peter and the papal legate, Pope Honorius was unwilling to press the issue for the moment, and that he even undid the sentence of excommunication passed against the lay lords, presumably for their failure to hand over the twelfths.

After Theodore of Epirus had released the legate, John Colonna, how-

<sup>110</sup> Pressutti 720. For text see Appendix, no. I.

ever, and Colonna had arrived in Constantinople, Honorius wrote to him on June 11, 1218, signifying that he now felt the moment propitious to reopen the question. The Patriarch and chapter of Constantinople, he declared, were now virtually reduced to beggary: their fifteenths had been taken away by Pelagius, and the payment of the twelfths suspended by the Pope himself. As a result, the Empress (Yolande), the barons, the knights, and the Podestà of the Venetians were in possession of all property belonging to the church. John Colonna should, Honorius urged, settle the question as he saw fit, *juris equitate servata*.<sup>111</sup>

A surviving report to the Doge of Venice by the Podestà of the Venetians in Constantinople provides some information as to the sequel. On October 12, 1219, says the Podestà, after the death of the Empress Yolande, there took place a *parlamentum* at Rodesto, a Venetian port town on the shore of the Sea of Marmora. Present were Patriarch Gervasius and his prelates, the Cardinal legate John Colonna, the Podestà of the Venetians, and Conon of Béthune (now again *bailli* after Yolande's death and before Robert's arrival), and the barons. Opening the session, the papal legate declared that the Pope had sent him to Constantinople to settle the question of church property. He requested first that all their possessions be restored to the churches. But he apparently had little hope of securing this aim, which, as we have seen, had been recognized as impracticable ever since 1206; for, the Podestà adds, the legate at once continued that, if this first request should be refused, he asked at least that the property of the cathedral churches be restored, that the twelfth of all property in the empire be paid, and that, for every laboring peasant (presumably on the barons' land) one modius of wheat and one of barley be given. These terms, he stipulated, should be made retroactive for three years, and should remain in force for three years to come. He required, in addition, that the churches should have jurisdiction over church lands, and should collect the tithes from the knights and villeins. If the lay lords there assembled would agree to this, he said, he would cause the twelfths, which they would otherwise be obliged to render to the churches, to be restored to them.

It is certainly puzzling and curious that the legate should offer to restore the twelfths as part of a bargain which specifically involved the payment of the twelfths; but this is what the Podestà's report says. Possibly the explanation lies in the legate's demand for restitution of the property of the

<sup>111</sup> Pressutti 1428. For text see Appendix, no. III. Cf. also Pressutti 1434, where the Pope instructs the legate similarly with regard to the property of the church of the Holy Apostles in Constantinople, and Pressutti 1435, in which he orders restored to this church its property in Greece (*a Macra usque per totam Morream*), according to a lost constitution of Innocent III.

cathedral churches, made here for the first time as a separate claim. It may be that the twelfths were less important to the clergy than the recovery of the lost property of bishoprics and archbishoprics and the assured payment of the tithes. Moreover, the measures of wheat and barley are new in the sources, and it seems possible that these payments in kind were regarded as more necessary and valuable than the twelfths. It is also interesting that the legate is not reported as mentioning the fifteenths, to which Honorius had referred in his instructions.

According to the Podestà, the barons and Venetians now asked for a ten-day delay, in which to consider the legate's proposals. The barons left Rodesto, and later reported their decision from near-by Selymbria: the best they could do, they declared, was to pay the cash sum of 3,000 hyperpers annually to the church as a kind of quit-rent for all their possessions from Macri<sup>112</sup> toward Constantinople, and across the straits. This they would do if the legate would urge the Pope to be generous to them; so that they could afford to remain in the service of the Empire. For their part, the Podestà reported, the Venetians had postponed their decision, on the pretext that they were awaiting the Doge's orders, expected by ship from Venice; but they finally yielded to pressure brought by the legate. They feared excommunication, and, on the advice of their great and small councils,<sup>113</sup> they offered the same terms as the barons, despite their concern that the Doge might not approve.<sup>114</sup>

The Podestà's report implies that the legate was at the time satisfied with

<sup>112</sup> The text (see note 114) has *a mane*, from the east; but I believe it should probably be emended to *a Macra*.

<sup>113</sup> For the councils of the Venetian colony, see Wolff, Oath.

<sup>114</sup> T.-Th. II, 215 ff, no. 257: ". . . dominus Cardinalis ait omnibus dicens: quia summus Pontifex misit ipsum ad hoc Imperium, pro facto possessionum ecclesiarum inquirendum: 'quas sic vobis peto, in primis, ut deliberare debeatis mihi omnes possessiones ecclesiarum cathedrarum et aliarum; quas si omnes refutare nolueritis, quaero, ut refutetis omnes possessiones supradictarum cathedrarum ecclesiarum, et duodecimam partem omnium aliarum possessionum Imperii; et pro unoquoque agricola laborante modium frumenti et ordei unum.' Et de his omnibus introitus transactorum trium annorum quaerebat, et usque ad tres annos haec tenere volebat, et hoc notificare domino Papae, ut in suo permanente arbitrio, dum esset ad summi Pontificis et sanctae Romanae ecclesiae voluntatem, et usquedum Imperium pervenerit ad bonum statum. Postea quoque voluit, ut omnes possessiones ecclesiarum eisdem ecclesiis deveniant, et milites omnes et villani rectum decimum reddere debeant. Sed praedictus dominus Cardinalis dicebat: quod, si praedicti Barones facere vellent, quia ipse faceret restituere eis duodecimam partem possessionum Imperii, quia ab Imperio ipsis ecclesiis fuit assignatum. Super hoc ipsi Barones et nos nimis ventilantes, cum eo tandem ad talem finem devenimus: super quibus ipsi Barones et nos consulti terminum recepinus ab eis quod nos undecima die astante, suprascripto mense Octobris, responderemus. Et sic tunc ipsi Barones a Rodesto recesserunt, consilium super hoc habituri. Et ad talem secum devenerunt finem, sicut melius cum eo facere non potentes: Quod dabunt ei tenutam de tribus millibus ypperperorum de redditibus annuatim pro totis possessionibus, quas tenent per Imperium Romanie

the cash offer from the *bailli* and barons, and says that he exerted extreme pressure on the Venetians (*nos omnimodo infestando*) until he got them to match it. But, in the end, the settlement adopted bore little resemblance to the Podestà's report. We cannot tell whether the legate reconsidered and reached the conclusion that the offer from the *bailli* and barons was unsatisfactory; or whether he simply used their offer as a stick with which to beat the Venetians until he had obtained cash from them, and then re-opened the question with the *bailli* and barons; or whether the *bailli* and barons did not pay what they had promised, and therefore gave the legate an opportunity to re-open the question with them; or whether the Pope objected to the settlement when it was reported to him; or even whether the Podestà of the Venetians was in error or was deliberately reporting the settlement to the Doge incorrectly. In any case what is contained in the Podestà's report does not represent the true final settlement of the church property question.

Preserved in the registers of Honorius III is his confirmation of an entirely new settlement. The confirmation is dated March 17, 1222, and it includes the full text of the Emperor Robert's confirmation of the pact, dated June, 1221. The full text of the pact also is included, and this is dated 1219. It must therefore be the very pact which the Podestà is describing to the Doge as having been reached in that year, yet its provisions are quite different from those reported by the Podestà. The full text of this document has never been printed or analysed, and is for the first time presented in the Appendix to this article. It is the fullest and most revealing of all the documents which survive relating to the church in the Latin Empire. Indeed, it sets forth an overall agreement between the church and the French party on ecclesiastical affairs, involving, as the Pope remarks, all points at issue with regard to the liberties, possessions, and legal rights of the church: a manifold problem and long disputed (*multiplex questio, diutius agitata*). Although it was originally drawn up to apply to the Latin Empire proper (defined properly as *ultra Macram* in the portions of the letter emanating

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a *mane* versus Constantinopolim et ultra Brachium; ita, quod deberet scibere domino Papae, ut super eis misericordialiter provideat, taliter, ut ad servitium Imperii possint perseverare. Quae omnia in Solambria cum eo constituerunt. Nos quoque ab eodem Cardinali terminum recepinus, ad Constantinopolim sibi responsuri, praeponentes ei, quod nos praeceptum vestrum expectabamus per naves venturas a Venetia, quia hoc vobis dicendo miseramus. Sed cum ad Constantinopolim venimus, et ipse, nos omnimodo infestando, super hoc responsurus, et quia hoc nos magis dilatare non poteramus, timorem vinculi excommunicationis plene etiam dubitantes — quae quidem excommunicatio de facili super nos revertebatur — quamvis de vobis tamquam de domino unico dubitantes, ne vobis hoc incongruum appareret, ad similem finem, consilio parvi et magni Consilii et militum, devenimus: id est, quod secundum quantitatem, quam Francigenae sibi dederunt, et nos ipsi dabimus."

from the papal chancery and *citra Macram* in the portions drafted in Constantinople), the settlement was also accepted by the *baiulus* of the Kingdom of Thessalonica, who was Guido Pallavicini, Marquis of Boudonitsa. Thus, for the first time, both the Empire proper and the Kingdom of Thessalonica were brought under the same code governing ecclesiastical affairs. Because of the importance of the agreement, it is worth summary and analysis, provision by provision.

All clerics, churches, and religious persons, Latin and Greek, and their households and servants, and all men seeking asylum in the churches were to be free of all lay jurisdiction, except that laymen resident in the monasteries of Constantinople were to be liable for taxes. The clergy would not, for its part, interfere in the carrying out of secular justice involving capital penalties or the loss of limbs, unless the condemned man had sought refuge in the church.

Second, in every village of twenty-five to seventy hearths, there were to be two priests (*papates*) under ecclesiastical jurisdiction only, with their households and servants, paying to the lay lords of the land whatever *acrosticon* the lands had owed at the time of the Emperor Alexius (Alexius III Angelus, 1195–1204). In villages of seventy to one hundred and twenty-five hearths, there were to be four priests enjoying the same conditions; in larger villages six, and so forth. Villages of fewer than twenty-five hearths were to be combined with neighboring villages, until the number of twenty-five hearths was reached, when they would be entitled to two priests, as provided above. All other priests in the countryside were to pay whatever taxes had been imposed upon them by the Latin Emperors, but were to be free with their households from corvées, exactions, tolls, and lay jurisdiction. Cathedral priests and other cathedral clergy, their households and servants, would be exempt from every payment except whatever *acrosticon* their lands might have owed in the time of Alexius. Other town priests were to be governed by the same rules as the rural priests. The clergy was not to ordain priests beyond the number fixed by this agreement, without the consent of laymen. This provision gives the only detailed description known to me of the status of the priesthood in the Empire. Moreover, this is our first indication that the *acrosticon* was to be paid in the Empire proper, as well as in continental Greece and the Latin Kingdom of Thessalonica.

All abbeys and churches, whether the fabric was still in existence or not, which were situated across the royal river (*ultra fluvium regium*), no matter to whom they might have belonged in the past, and which had not possessed more than one hundred hyperpers-worth of land under the Greeks, were to



possess their property without paying the *acrosticon*, or any service or impost, free from lay jurisdiction, completely under ecclesiastical control. Those which had had more than one hundred hyperpers-worth under the Greeks were to keep whatever property had belonged to them under the Latins. Those with less than one hundred hyperpers-worth outside the cloister were to receive from the Emperor enough to bring their possessions up to this level, and were to hold it according to the above conditions. Anybody who was holding an abbey or abbey property, except by an award from the Emperors Baldwin or Henry, was to turn it over to the prelates of the church, and if those who were holding such property by such imperial award had imposed any levy not permitted by the imperial deed of gift, any such levy was to be invalid. Those abbeys which were on the hither side of the royal river (*citra fluvium regium*) were to have all their possessions as had been decreed by the emperors, and laymen were not to receive any more revenue from them than they had been required to pay by imperial decree; and they were to be under ecclesiastical jurisdiction. Moreover, if the prelates should try to extract more than was their due from abbeys in which laymen had the right to collect the *acrosticon*, the laymen were to oppose this, and place their complaints before the prelates' ecclesiastical superiors. In this provision, the term *fluvium regium* refers, I believe, to the Maritsa, as boundary between the Latin Empire proper (*citra fluvium regium*) and the Kingdom of Thessalonica (*ultra fluvium regium*). Thus the first part of the provision, dealing with abbeys beyond the river, refers to abbeys in the Kingdom of Thessalonica; the second part, dealing with abbeys on the hither side, refers to abbeys in Romania proper. So far as I know, this is the only document which uses precisely this terminology.

All cathedral churches were to be confirmed in their possession of all property which had belonged to them in the time of Alexius Bambacoratius,<sup>114a</sup> and were to hold their property without being liable for any imposts except the *acrosticon*. The clergy would not give shelter on its lands to men (presumably agricultural laborers) belonging to the Empire, nor would the Emperor or barons receive men who belonged on church lands. If men belonging to either should enter the lands of the other, the legal rights of both parties were to be respected just as they would be between two barons. This provision meets one of the legate's most pressing demands as reported by the Podestà: the restoration of cathedral properties. It also

<sup>114a</sup> For this nickname of Alexius III (1195–1203), from the Greek Βαμβακοραβδής see N. Bees "Bambacoratius, eine Beiname des Kaisers Alexios III Angelos 1195–1203," *Byzantinische – neugriechische Jahrbücher* III (1922) 285–286.

gives full recognition to the church's rights as a landlord, and protects its labor supply just as that of an individual baron was protected.

Since the Emperor and barons could not compensate in full for the possessions of the churches inside the walls of Constantinople and for the possessions of those outside the walls which did not have all their property, and for the injuries done to all churches, cathedral and other, inside the walls and out, and for the tithes and revenues and other income, because some of the possessions of the churches had been distributed in such a manner that they could not be restored without bringing about the downfall of the Empire, the Emperor and barons now promised to do all they could to make up for this: they would give one *eleventh* of all property so far acquired or still to be acquired, whether church property or not, in all the Empire proper (*citra Macram*), and of all real estate in the cities, villages, fields (the word is *camporum*; *campi* is also a technical term used for the quarters assigned to the Italian and Provençal cities in Constantinople; but in this context I believe it means "fields"), groves, forests, meadows, orchards, gardens, salt-pans, tolls, customs dues on land and sea, fisheries both fresh and salt water, and all other property even if not mentioned specifically in the present document. And, in addition to this eleventh, they would give two thousand hyperpers-worth of land, properly assessed; and by way of compensation for the villages which paid a money rent (*casalia monetæ*), because these could not be divided and an eleventh of the property taken away without ending the revenue derived from them, they would give every year one thousand hyperpers to the church until a sum should have been paid equivalent to the value of one-eleventh of these villages. Exempt from the eleventh were lands inside the walls of the city, but the Emperor and barons agreed to restore to the church any such property which might have been taken from them after the capture of the city, i.e. by the Latins.

This provision parallels to a considerable degree the text of the first agreement promising fifteenths; and, we may conjecture, of the later lost agreement promising twelfths. Presumably because the fifteenths and twelfths had never been properly and finally collected, and the damages incurred by the church had grown greater with every passing year, the fraction had now increased to elevenths. It is interesting to note the frank admission that full restoration of sequestered church property would ruin the Empire. We also learn more than any other source teaches us about the *casalia monetæ*. Apparently these villages were regarded as indivisible; if they had been divided and the church given an eleventh, the money-rent would have ceased, and, to avoid this, an annual cash payment was granted

the church instead. The promise to the church of two thousand hyperpers-worth of properly assessed land is a new provision, not present, so far as we know, in any other settlement of the property question.

Every knight who owned three hundred hyperpers-worth of land was to give one eleventh of it to the church. In addition, for every two thousand hyperpers-worth, he was to pay a cash payment of one and a half hyperpers per hundred hyperpers value. Fiefs worth less than three hundred hyperpers were to be lumped in with neighboring fiefs in the assessment of the elevenths. Moreover, all Latins would pay tithes in full for all the property on land and water, in cattle, birds, and produce. Non-Latins living under Latin rule (chiefly Greeks, of course) would pay a thirtieth annually instead of the regular tenth for a period of ten years. Thereafter, unless the Roman Church forgave them the tithe or prolonged the period during which they were liable only for a thirtieth, they too would pay tithes in full. These and all other privileges of the church, even though they might not be mentioned specifically, were to be guaranteed to the churches “according to the freer custom of France.”<sup>115</sup>

These last provisions carry the payment of the elevenths further down the social scale than we know to have been the case with the payment of the fifteenths or twelfths: individual knights with only three hundred hyperpers-worth of property are here brought into the picture. Moreover, the provision on tithes is the only instance I have encountered where it was proposed to overcome the reluctance of the Greeks to pay tithes by accustoming them for a preliminary decade to pay only a thirtieth. The usual thing was for the Latins to express the hope that the Greeks might be persuaded to pay; here is a practical suggestion for securing revenue without at first arousing too much opposition.

On March 4, 1222, Honorius III appointed the Bishops of Madyta and Adramyttion and the Dean of Troy as a three-man commission to supervise the fulfillment of the pact, and required them to use ecclesiastical punishment against those who refused to observe its provisions.<sup>116</sup> On June 27, he hailed the peace with joy, in a letter to the Emperor Robert. This “admirable and friendly agreement” had put an end, he said, to “an ancient matter of dissension and scandal,” and had brought about “peace and concord be-

<sup>115</sup> Pressutti 3863: a partial text, leaving out the most important provisions, is to be found in O. Raynaldus, *Annales ecclesiastici ab anno MCXCVIII ubi desinit Cardinalis Baronius*, I (Lucca, 1747) 491 ff; s.a. 1221, not 1222 as Pressutti indicates. Full text printed below, Appendix, no. IV. Cf. also Pressutti 3157 and 3869, respectively dated March 3, 1221, and March 18, 1222, for other confirmations of the pact. The only text preserved in the Registers, however, is that reproduced below.

<sup>116</sup> Pressutti 3886, 3887.

tween the church and the Empire of Constantinople.”<sup>117</sup> But the Venetians still remained intractable, and no settlement could be complete without them.

Indeed, we learn from another letter previously unpublished, the legate John Colonna brought all possible pressure to bear upon the Venetians to accept the pact, which, the Pope says, had been confirmed in the church of St. George of the Mangana, but the Podestà and his fellow-countrymen steadfastly refused to do so. The legate then excommunicated them, and put their property under an interdict. For a considerable period, they strove to obtain absolution at Rome, but Honorius would not yield on the question until the Doge sent him two envoys: Ludovicus, *plebanus* of the church of St. Paul, and once candidate for the patriarchal throne, and Jacopo Tiepolo, one of the most distinguished citizens of Venice, who twice had been Podestà in Constantinople, and who was to become Doge in 1229. These representatives of the Doge brought word of a surrender: the excommunicated Venetians in Constantinople were now ready to give up their opposition, and to obey the Pope. On April 11, 1223, Honorius commanded the Patriarch and the treasurer and another canon of St. Sophia to absolve the Venetians from the sentences passed by the legate, after having extracted an oath both from the Podestà and from his subjects that they would fulfill the terms of the pact within a period of eight months.<sup>118</sup>

Having secured the adherence of the Venetians, the Pope at their request then modified the pact in certain particulars, writing the Doge on April 12, 1223, that, contrary to its provisions, laymen dwelling in Venetian monasteries in Constantinople might remain under his temporal jurisdiction.<sup>119</sup> Because the legate had apparently promised that if the pact were to be changed in any way as a favor to the Venetians, a corresponding change would be made for the French, Honorius extended this modification to the French as well, in a letter to the Emperor Robert of April 19, 1223.<sup>120</sup> At the request of the Patriarch, he also agreed that Frenchmen and Venetians whose lands were worth less than three hundred hyperpers might themselves divide them into elevenths, with the advice of the Archbishop of Heracleia, instead of being obliged to combine them with their neighbors' fiefs until a value of

<sup>117</sup> Horoy IV, col. 203; Pressutti 4059, 4060, Letters addressed to the Emperor Robert and to the lay lords of Constantinople.

<sup>118</sup> Pressutti 4302, full text printed for the first time below in Appendix, no. VI. Pressutti's summary is highly misleading. For St. George of the Mangana, one of the chief churches of the French party in Constantinople, see Janin, *Eglises*, 75 ff, where, however, there is no mention of this episode.

<sup>119</sup> Pressutti 4306.

<sup>120</sup> Pressutti 4324.

three hundred hyperpers was reached, as had been prescribed by the pact.<sup>121</sup>

The long struggle to compel the laymen of the Empire to indemnify the clergy for their losses seemed now to have ended successfully. But another previously unpublished letter of Honorius dated October 24, 1223, reveals that Patriarch Matthaeus, acting as Thomas Morosini had acted with regard to the fifteenths, tried to secure more than his share of the elevenths. The French clergy, the Pope writes, had reported to him that, after the pact had been concluded between the laymen and the clerics, but before the elevenths had been handed over by the laymen, John Colonna, at the insistence of the Patriarch and the chapter of St. Sophia, had decreed that the Patriarch and chapter were to receive a quarter of the elevenths, and had then assigned to them certain lands as their share, which were to be divided by certain of the canons. The Patriarch and chapter had declared themselves satisfied, and later the legate generously gave them an additional portion of the elevenths, turning over the rest to the French clergy. Thereupon the Patriarch and chapter, though they had previously said they were content, raised new claims to the share of the French. This account of the matter had been substantiated by the legate himself; so Pope Honorius instructed the Archbishop of Heracleia and the Bishops of Madyta and Selymbria to restrain the Patriarch and chapter from making any further attempt to get the portion of the French clergy away from them.<sup>122</sup>

It is interesting to note that the legate had assigned to the Patriarch and chapter as their proper share of the elevenths the same quarter part which Innocent III had earlier awarded to Morosini in the case of the fifteenths. And it is not surprising that the old Venetian-French quarrel among the clergy broke out again when the elevenths were actually distributed. But perhaps the most significant conclusion which may be drawn from this letter is that on this occasion the pact was actually put into effect. Unlike the abortive settlements of the fifteenths and the twelfths, the pact of 1219 awarding elevenths was accepted by both the French and Venetian parties, and the elevenths were actually distributed to the clergy, at least in the Empire proper. It seems highly doubtful whether the settlement could ever have been fulfilled in the Kingdom of Thessalonica, despite the fact that the *baiulus* had accepted its terms, because the ever-growing conquests of Latin territory by Theodore of Epirus were climaxed in 1224 by the capture of Thessalonica itself, and the termination of Latin rule there.<sup>123</sup>

<sup>121</sup> Pressutti 4307, April 12, 1223.

<sup>122</sup> Pressutti 4541, full text printed for the first time below in Appendix, no. VII.

<sup>123</sup> For the date see J. Longnon, "La reprise de Salonique par les Grecs en 1224," *Actes du VIe Congrès Internationale d'études Byzantines* I (Paris, 1950) 141–146; B. Sinogowitz, "Zur Eroberung Thessalonikes im Herbst 1224," *Byzantinische Zeitschrift* XLV (1952) 28.

A further indication that the new settlement in the Latin Empire proper was regarded as satisfactory by the papacy is provided by the long letter written on September 4, 1223, by Honorius III to Geoffrey Villehardouin, Prince of Achaia, and Othon de la Roche, lord of Athens. Both had been excommunicated for crimes committed against the clergy, and had been instructed to accept *either* the pact of Ravennika of 1210, which governed relations between laymen and clerics in continental Greece, *or* the pact which the barons of Constantinople had entered into with the church in Romania: i.e. our pact of 1219. Negotiations at Rome had followed, and a settlement reached which, as Honorius says, amplified the pact of Ravennika. Villehardouin and de la Roche accepted the pact of Ravennika in full, and its text is inserted into the text of the Pope's letter; but in addition they agreed to a further settlement with regard to the property of cathedral churches, with regard to the establishment of priests in villages and towns, and with regard to the payment of the *Acrosticon*, which closely parallels textually the provisions of the 1219 settlement in the Empire. It is interesting to note that in Achaia and Athens the Greeks were to be required to pay tithes in full, and were not to enjoy the benefit of the special provision adopted in the Empire, which had enabled them to pay only a thirtieth for ten years. Various other special provisions were also included, which are not relevant to our study of the politics of the Patriarchate; and of course many important features of the 1219 settlement, such as the payment of the elevenths, were omitted; but it is clear that the papacy regarded the Ravennika agreement of 1210 and the settlement of 1219 in the Empire as providing the standard to which delinquent lay lords in Greece should be made to conform.<sup>124</sup> Moreover, this burning question of church property now disappears from the sources. We may therefore now revert to a consideration of papal-patriarchal relations during the reigns of Gervasius and Matthaeus.

#### POPE AND PATRIARCH, 1215–1229

These were far from friendly. Gervasius continued to display those grasping and power-loving tendencies which he had shown — if his enemies are to be believed — as Archbishop of Heracleia and again in Greece on his way to Constantinople. With the exception of one<sup>125</sup> the remainder of

<sup>124</sup> Pressutti 4480, full text printed by Horoy IV, col. 409; and by S. P. Lambros, *Ἱστορία τῆς Πόλεως Ἀθηνῶν κατὰ τοὺς μέσους αἰῶνας*, . . . ὑπὸ Φερδινάνδου Γρηγοροβίου, μεταφρασθεῖσα . . . ὑπὸ Σπυριδῶνος Π. Λάμπρου, III (Athens, 1906) 23 ff. no. 18. I should like to thank my friend, Professor K. M. Setton of the University of Pennsylvania, for giving me a microfilm of this volume.

<sup>125</sup> Pressutti 667, which requires the prelates of Constantinople to reimburse Gervasius for the expenses he had incurred in attending the Fourth Lateran Council.

Honorius' surviving letters dealing with the patriarchate reproach Gervasius for his repeated encroachments on papal prerogative, and attempt to control him by enlisting the services of other prelates.

For a second time the Pope denounced Gervasius' claim to churches in Achaia on the ground that the crosses in the churches signified their subjection to the Patriarch;<sup>126</sup> he invalidated more of Gervasius' actions in Greece;<sup>127</sup> he commanded that Gervasius' decision in a local quarrel in Thessalonica be ignored;<sup>128</sup> he instructed John Colonna to hear complaints concerning Gervasius' action in appropriating certain abbeys, on the usual excuse that they contained crosses giving the Patriarch perpetual title.<sup>129</sup> He commanded Gervasius to revoke sentences passed and to cease arrogating to himself certain rights reserved for the Pope.<sup>130</sup> Gervasius had sent legates of his own throughout Romania to hear cases not brought within the Patriarch's jurisdiction by appeal, and had granted these legates the right to have crosses borne before them; but more serious, he was accused of approving exemptions granted and other actions illicitly performed by those Patriarchs of Constantinople "who have rashly tried to rend the seamless garment of Christ," putting their own interests ahead of ecclesiastical unity, and spurning the authority of the Holy See.<sup>131</sup> The reference is, of course, to the Greeks, who, the Latin church believed, had rent the seamless garment of Christ by causing the schism between the churches.

While apparently not accusing Gervasius himself of being a schismatic in doctrine, the Pope charged that he was acting like an insubordinate Greek Patriarch. While any bishop was of course entitled to send out a representative, it infringed the rights of the papacy to call him a legate, and to grant him the right to hear cases locally and to have a cross carried before him. In one of the two surviving original documents from the patriarchate of Gervasius there is mention of one of these patriarchal legates.<sup>132</sup> In sum, Gervasius hindered appeals to Rome, usurped the rights of the local clergy, conferred illegal exemptions, confirmed the rule in monasteries, imitated papal documents in his chancery, and exacted homage as did the Pope. It was this which lay behind Honorius' apparently vain attempts to halt from a distance the growing insubordination of the prelate whose theoretical position was of course second only to his own in the entire Roman hierarchy.

<sup>126</sup> Pressutti 986, January 9, 1218.

<sup>127</sup> Pressutti 1113; February 24, 1218.

<sup>128</sup> Pressutti 1391; May 29, 1218.

<sup>129</sup> Pressutti 1579; August 13, 1218.

<sup>130</sup> Pressutti 1206; March 31, 1218.

<sup>131</sup> Pressutti 1585; August 18, 1218.

<sup>132</sup> Santifaller, 92 ff.

On November 8, 1219, Gervasius died, immediately after the third and last major property settlement had been reached with the French and the Venetians. Upon Gervasius' death, so the Podestà of the Venetians reported to the Doge, the legate John Colonna immediately began to undermine the strong position of the Venetian clergy in the forthcoming patriarchal election. Taking advantage of the powers delegated to him by the Pope, he created a number of new *praepositi* in churches which had been virtually ruined, and in which there had been no *praepositi* for a long time, but which were situated in the French part of the city. As a second step, the legate ruled that all the *praepositi* could vote in the election, but that the churches of the Venetian quarter could not participate. The Venetians appealed to the Pope.

In this way, wrote the Podestà to the Doge, the legate and all the barons and Frenchmen, clerics and laymen, are trying to weaken your power in the matter of the patriarchate, but we are hastening to arouse the chapter of St. Sophia, especially our Venetian canons, to elect a Venetian patriarch, just as we are working for all other matters which affect your honor and your fortune, and those of our country. The Venetian canons, who number about twenty-five, are to a man held in hand for your honor, and all are agreed upon a Venetian. You may know for certain that, had we not time and time again stood firm in defense of your honor in this matter, you and our country would have suffered a loss. Nevertheless, whatever happens, we believe that the question of the election or an appeal will go to Rome. In this event, Your Serenity's foresight may look to the matter, and you may arrange to send to the Pope the kind of discreet and clever men who can handle a matter of this sort, so that, whenever messengers from the chapter and from the general membership of your party shall arrive in Rome, they may find the way already prepared for your honor and that of Venice: for we reckon this as all the honor which you have in the Empire.<sup>133</sup>

This letter demonstrates that the rivalry between Frenchmen and Venetians over the patriarchate had not been diminished. The legate's mass creation of new French *praepositi* to weight the election against the Venetians, and the Podestà's own electioneering and advice to the Doge to attempt to influence the Pope in advance of the expected appeal from a disputed election, illustrate not only the great importance attached to the office of patriarch both by the Venetians and by their rivals but also the fact that Morosini's renunciation of his oath had brought about no fundamental political change.

The election, which Honorius, like Innocent, had directed the clergy to hold in St. Sophia, and in which he had also directed the *praepositi* to participate,<sup>134</sup> came out as the Podestà had predicted. The names of the candidates supported by the two parties have not come down to us, nor have the

<sup>133</sup> T.-Th. II, 219-220.

<sup>134</sup> Pressutti 1174, see above text and note 9; full text in Appendix, no. II.



details of the voting. On February 16, 1221, however, Honorius notified the chapter and clergy of Constantinople of his decision in the appeal brought before him by the chancellor, and a deacon and subdeacon of the chapter, representing the Venetian party, and by a canon and a cleric of the imperial palace church of the Boukoleon, representing the French, who had petitioned him to settle their differences by appointing a suitable person. The Pope had chosen Matthaeus, Bishop of Jesolo (Equilio), a suffragan of Grado, and, of course, a Venetian,<sup>135</sup> a man whom he declared to be notable for his personal life, his piety, and his learning, and whom he commanded the chapter to receive with all due devotion.<sup>136</sup> Honorius had already conferred upon Matthaeus the by now traditional letter of privileges, granting him all the rights enjoyed by Thomas Morosini and by Gervasius, and adding the right to absolve those who had carried on illicit trade with the Saracens,<sup>137</sup> — this last clause providing a clear indication that the Venetian trade with the Moslems of Egypt, forbidden by the papacy, was now being carried on from Constantinople. Still earlier, on January 31, 1221, Matthaeus, then already Patriarch, had issued at Rome the only document of his Patriarchate of which the original survives: a confirmation of Morosini's earlier promise that the Venetian churches in Constantinople were to be exempt from patriarchal jurisdiction and were to be subject only to the Patriarch of Grado.<sup>138</sup> The existence of this document puts back into January, 1221, the date of Matthaeus' original appointment by the Pope.

During the interregnum between Gervasius' death on November 9, 1219, and the appointment of Matthaeus in January, 1221, the papal legate, John Colonna, was in complete charge of church affairs in Constantinople. Since the imperial throne was also vacant, the legate, with the *bailli*, Conon de Béthune, and the Podestà of the Venetians, Tiepolo, was responsible for affairs in the Empire. Realizing this, Honorius wrote, urging him to be especially attentive to his duties, and to protect the Empire and its churches.<sup>139</sup> Somewhat later, the Pope granted the legate the right to decide

<sup>135</sup> Alberic, 919.

<sup>136</sup> Pressutti 3099; text printed in full for the first time in Santifaller, 192.

<sup>137</sup> Pressutti 3077.

<sup>138</sup> T.-Th. II, p. 225, no. 251.

<sup>139</sup> Pressutti 2557. The Pope also refused to grant John's request to visit the Holy Land. The following passage is taken from the ms. of the Registers (Reg. Vat. X, book 4, folio 206 letter 836): "Nos enim cum imperio de imperatore fuerit et ecclesie de Patriarcha provisum et que circa hec sunt congrua stabilitate suffulta pro te nobis preces porrectas auctoritate domino curabimus effectui mancipare cum te sinceris brachiis amplexemur. Ceterum ut in terram sanctam accedas ad presens nec nostro nec tuo honori credimus expedire, eo quod ex hoc parum utilitatis eidem accederet, et Imperio Romanie ex absentia tua possit non modicum incommodum imminere, nec tu posses sepulchrum domini visitare nec ibidem exercitum ad prelia domini retinere."

the cases of churches which had been exempt from patriarchal jurisdiction under the Greeks; but to which claims had since been made by the Latin patriarchate — presumably by Gervasius, whose regular practice it was to make such claims — thereby doing injury to local archbishops and bishops.<sup>140</sup>

By March 1221, Matthaëus was in Constantinople: on the twenty-fifth he crowned the new Emperor Robert (1221–1228).<sup>141</sup> Like Thomas Morosini and Gervasius before him, Matthaëus was apparently a power-hungry prelate, determined to assert his own authority, willing to infringe upon papal prerogative, greedy, and hard put to it for funds. On May 18, 1222, Honorius wrote him angrily, lamenting that he had ever chosen him patriarch, and charging him with domineering over the clergy, and causing offense by seeking his own ends, rather than those of Our Lord. Immediately upon his arrival in Constantinople, Honorius charged, Matthaëus had abstracted a large sum of money from the church funds, not heeding the presence of the papal legate, which should have acted as a deterrent. In violation of a decree made by the earlier legate, Pelagius, Matthaëus had also stripped the lead and copper off the roofs of the churches in the imperial city;<sup>142</sup> and had in general behaved like a merchant, not like a shepherd, milking and fleecing his flock instead of watching over them and preaching to them. Honorius further accused Matthaëus of celebrating mass only irregularly, of giving communion to excommunicate Venetians, and of entering into illicit compacts against other peoples. The reference may be to the Venetian pact concluded with the Seljuks of Rome; the word “illicit” is the one regularly chosen to refer to dealings between Christians and Moslems. On the other hand, this interpretation is by no means certain.<sup>143</sup> Honorius also declared that Matthaëus had absolved men excommunicated by the legate; he had neglected to lay legitimate appeals before the Apostolic See; he had deliberately disobeyed the legate by receiving clerics whom the legate had commanded him not to receive until they had been to Rome to receive absolution for their excesses; and he had permitted the Venetians to ban clerics.<sup>144</sup> In short, from the papal point of view the patriarchate had for the third time fallen into the hands of a contumacious Venetian priest, who took

<sup>140</sup> Horoy III, col. 494; Pressutti 2607.

<sup>141</sup> *Andreae Danduli Chronica*, Muratori, *Rerum Italicarum Scriptores XII* (Bologna, 1939) 288.

<sup>142</sup> Compare the action of the Emperor Baldwin II, reported by Marino Sanudo Torsello in a supplement to Villehardouin. See R. L. Wolff, “Hopf’s so-called ‘Fragmentum of Marino Sanudo Torsello,’” *The Joshua Starr Memorial Volume*, *Jewish Social Studies* V (1953) 149–159; C. Hopf, *Chroniques Gréco-Romanes* (Berlin, 1873) 171 ff.

<sup>143</sup> For text of the pact, see T.-Th. II, pp. 221 ff., no. 258.

<sup>144</sup> Horoy IV, col. 152; Pressutti 3963.

advantage of distance, bad communications, and his own exalted theoretical position to disregard the Pope's interests and commands.

Honorius struck a blow against the Patriarch and the Venetians when, on September 28, 1222, he re-opened the question of the *praepositurae*. On August 9, 1217, he had confirmed Benedict of St. Susanna's *cassatio*, or closing-down, of twenty-three of them. From our examination of Innocent's correspondence we knew only that Benedict had conferred twenty-three of them on himself, and left the status of the other seven undecided. This is our first evidence of a *cassatio*. But now, in 1222, in a hitherto unpublished letter to the Emperor Robert, Honorius reviewed the history of these important posts in the conventual churches, whose number he gives as thirty-two, although only thirty are mentioned in the correspondence of Innocent III. Peter Capuano had permitted the Emperors to ordain the *praepositi*; Benedict of St. Susanna had, says Honorius, reduced their number to seven. He had done so, says the Pope, despite his previous confirmation of this act, *aliena sicut creditur astutia circumventus* — clearly a dig at Venice — and because the churches at the time seemed too poor in resources. Now that John Colonna had re-established "almost all" of the thirty-two, and provided them with suitable means, the Pope conferred upon the Emperor the right to present clerics to them. So that his purpose in so doing might be perfectly clear, he specifically referred to the fact that the *praepositi* had the right to vote in patriarchal elections.<sup>145</sup>

Matthaeus continued the tradition of his predecessors also in subjecting the French clergy to various kinds of discrimination and annoyance. On the pretext of a decree regarding wills, issued long before by Pelagius, the Patriarch demanded that the French clergy turn over to him one third of certain property left them and their churches by the dying. The objects claimed by the Patriarch were apparently church ornaments, or materials for use in the lighting or repair of churches, or moneys left to celebrate mass on some anniversary, or left to individuals attached to the church; for these were the categories which the Pope forbade him to claim, after the French clergy had complained to Rome.<sup>146</sup> Honorius instructed the Bishop of Selymbria and two Cistercians, the Abbot of St. Angelus and the Prior of St. Mary of Bethlehem, to enforce this decision.<sup>147</sup> Apparently the Cistercians had been made the special victims of this form of petty patriarchal persecution; for their rights in regard to such categories of bequest were later specifically confirmed.<sup>148</sup>

<sup>145</sup> Pressutti 718; Pressutti 4123, full text in Appendix, no. V.

<sup>146</sup> Horoy I, col. 385; Pressutti 4536, October 19, 1223.

<sup>147</sup> Pressutti 4540, October 24, 1223.

<sup>148</sup> Pressutti 4563, 4564, November 13, 1223.

In one specific case — the will of a certain Milo de Brabant, presumably the son of the original crusader of that name — a controversy arose between French and Venetians over some legacies. The Deans of the imperial palace churches of Boukoleon and Blachernae, representing the French clergy, and with their concurrence, excommunicated the entire Cathedral chapter; while the Dean and canon Thomas of the church of Heracleia — presumably Venetians — in turn excommunicated the clergy and chapters of Boukoleon, Blachernae, and St. George of the Mangana, the three chief French churches of the city. This was doubtless the sort of quarrel which Honorius had been attempting to avert, when he issued his instructions to Matthaeus concerning wills. In November, 1224, the Pope ordered the double excommunication removed, and annulled all rash acts committed by either side since the passing of these illegal sentences.<sup>149</sup>

Honorius also continued Innocent's policy of intervention in the affairs of the cathedral chapter of Constantinople in an effort to prevent it from becoming purely Venetian in membership. On October 26, 1223, he ordered Matthaeus to confer upon Marcellinus, Archdeacon of Ancona, a prebend left vacant by the death of one of the canons.<sup>150</sup> Apparently, however, the Patriarch had already conferred this prebend upon one of his own clerics, Stephen Bolli; and a lawsuit now arose between Bolli and Marcellinus, which was appealed to the Pope. Honorius decided on April 10, 1225, in favor of his own appointee, commanding that he be given possession of the prebend, but also instructing that Bolli be given any prebend that might be vacant or at least appointed to the first vacancy that might arise, and that meanwhile the income was to be divided equally.<sup>151</sup> In recognition of the difficult days through which the Empire was passing, and the consequent diminution in the income of the cathedral chapter, Honorius also ruled that the total number of canons might be allowed to fall off. John Colonna, the legate, had fixed the full complement of prebends in the chapter of St. Sophia as thirty-eight; now, on May 17, 1225, Honorius decreed that the chapter need not fill vacancies caused by death or absence until the number of prebends had been reduced to twenty-four.<sup>152</sup> He also instructed the chapter to use the funds of the patriarchate to cover all expenses which might arise during an interregnum, but warned against any attempt to use this money at a time when there was still a patriarch on the

<sup>149</sup> Pressutti 5166, 5175.

<sup>150</sup> Pressutti 4543.

<sup>151</sup> Pressutti 5436. The following passage from the registers (Reg. Vat. XIII, Book 9, Letter 266, folio 48) is not summarized by Pressutti: . . . *fructus ipsius inter eos equaliter dividantur quousque dicto Stephano assignetur in ipsa ecclesia beneficium prebendale.*

<sup>152</sup> Pressutti 5501.

throne.<sup>153</sup> On another occasion, the Pope commanded that the chapter be required to restore to its own chancellor his revenues and his seal, of which they had deprived him.<sup>154</sup> Although the controversy started by Gervasius over patriarchal possession of certain churches in Athens continued, it was not settled during Honorius' pontificate.<sup>155</sup>

Several of Honorius' letters, however, chiefly dating from the first few months of 1225, were devoted to strengthening Matthaeus' position, and to conferring favors upon him, rather than to reproaching him for his misdeeds or to intervening in his affairs. Thus on January 27, 1225, Matthaeus was notified that, although, like other clerics, he would be obliged to pay an aid to the Empire of one quarter of his movable property and of his income, according to a recent agreement made at the Pope's behest and in the Patriarch's presence and with his consent, he could not be compelled to keep his promise to do so by the various ecclesiastics who had been deputed to collect the money from the other clergy.<sup>156</sup> Thus Matthaeus on this occasion was saved the humiliation of having to obey the commands of his own subordinates. On April 7, 1225, Honorius instructed the prelates of the churches in the Empire not subject to the patriarchate (i.e. the Venetian churches, subject only to Grado) to observe all sentences of excommunication and interdict issued by the Patriarch; so that the laity, to whom the churches should serve as a model, might have no occasion to flout the authority of the Patriarch or to revolt against his disciplinary measures.<sup>157</sup> The Pope also reminded the churches which were already subject to Matthaeus' jurisdiction that they should show him proper reverence and obedience, and obey his commands in spiritual matters, irrespective of the fact that their churches or monasteries might have been conferred upon them by the papal legate.<sup>158</sup>

In this way, after having for years strengthened and supported his legate as the chief source of ecclesiastical authority in the Empire, Honorius permitted the pendulum to swing in the other direction by reminding the clergy that they owed their prime obedience to the Patriarch. By 1225, John Colonna, who had been in Constantinople for seven years, had departed; and, in order to maintain discipline, the Pope doubtless felt it wise to remind the clergy of the Patriarch's authority. Even the physical possessions of the Patriarchate were once again confirmed at this time. On April 8, 1225,

<sup>153</sup> Pressutti 5500.

<sup>154</sup> Pressutti 5494.

<sup>155</sup> Pressutti 4514.

<sup>156</sup> Pressutti 5279.

<sup>157</sup> Pressutti 5423.

<sup>158</sup> Pressutti 5424, 5425.

Honorius, presumably in an attempt to forestall any challenge to the Patriarch, gave papal confirmation to all the patriarchate's possessions "in the island of Crete and in the Latin Empire."<sup>159</sup>

The same week the Pope specifically exempted the Patriarch from any sentence of excommunication or suspension from office issued by anyone except a papal representative, legate, or delegate with a specific papal mandate to pass such a sentence.<sup>160</sup> This may well have been a valuable privilege. Although Matthaeus was in theory second in rank only to the Pope, in practice he was merely a provincial bishop, in a region suffering from all imaginable political and economic woes, and exposed not only to external enemies but to internal dissensions. By relying on his legate, Honorius had diminished the powers of the Patriarch. Indeed it is quite conceivable that the prestige of the patriarchate had diminished to such a point that, without this specific new pronouncement by the papacy, the Patriarch might at some time have found himself under sentence of excommunication from one of the clerics nominally subordinate to him, who happened to belong to the other party. The mutual sentences of excommunication hurled at each other by Venetian and French clerics only a short time before may have served to remind the Pope that in Romania these dread weapons of the church were freely used as political instruments regardless of authorization. This last privilege granted the Patriarch may not have been the least of the favors by which the Pope sought to redress the balance in favor of the Patriarch after the withdrawal of his legate.

Sometime toward the end of 1226 Matthaeus died. The usual double election then took place. One faction — presumably the French, although this is not stated in so many words — chose the Bishop of Beauvais, Milo de Châtillon-Nanteuil, while the other — presumably the Venetians — objected. The name of the opposing candidate, if there was one, has not survived. On December 23, 1226, Pope Honorius wrote to Jean Halgrin, Archbishop of Besançon, offering him the post, and urging him to accept it.<sup>161</sup> Halgrin, a member of the Cluniac order, was of a noble Norman family of Abbeville, who had studied at Paris, had become a master and teacher of theology, and had served as Prior of St. Victor at Amiens and Dean of the Cathedral there before becoming Archbishop of Besançon.<sup>162</sup> He came to Rome, and declined the honor conferred upon him, was made Cardinal Bishop of Sabina,

<sup>159</sup> Pressutti 5428.

<sup>160</sup> Pressutti 5439.

<sup>161</sup> Pressutti 6123; text in Santifaller, 202. For the role played by the Bishop of Beauvais in the affair of the false Baldwin of Flanders in 1225, see Wolff, Baldwin.

<sup>162</sup> Santifaller, 34.

and later served as papal legate in Spain.<sup>163</sup> Had he accepted, he would have been the first non-Venetian patriarch.

On March 18, 1227, Honorius III died. Either he, before his death, or his successor Gregory IX, some time after his accession, appointed to the Latin patriarchate Simon, Archbishop of Tyre, a cleric whose native land and previous career are unknown, as is the precise date of his appointment. The first papal letter addressed to him is dated July 20, 1229, and, although it has been conjectured that Simon was named as early as 1227,<sup>164</sup> this letter of 1229 contains a grant of the privileges usually conferred upon a patriarch immediately after his appointment. It seems more likely that the patriarchate remained vacant until mid-1229, and that Simon was not appointed until that time.

#### THE POLITICS OF THE PERIOD 1204–1229: SUMMARY AND CONCLUSIONS

Simon's appointment marks a point about midway in the history of the patriarchate, and far beyond midway in the number of references in the sources. From the evidence so far adduced, it is possible to draw certain general conclusions. The patriarchate began as an avowedly Venetian institution, and in its infancy appeared destined to serve as a mere adjunct to Venetian colonial and financial power. By forcing Morosini publicly to abandon his oath to maintain the Venetian monopoly, Innocent III dealt a serious blow to Venice. By forcing French clerics upon the cathedral chapter, and by insisting upon the right of the French conventual churches to participate in any election of a new patriarch, Innocent and Honorius managed to secure a disputed election on each occasion, and to retain in their own hands the actual appointment of a patriarch.

True, the first three patriarchs were Venetians; but Thomas Morosini was confirmed as a political concession to the Doge, whom Innocent hoped for other reasons to conciliate; Gervasius, though Venetian, was the original candidate of the French party; and, Matthaeus, like the others, was chosen by the Pope. This policy of appointing Venetian patriarchs can be described as one of limited concessions to Venice, and was more than balanced by the activity of the papal legates on behalf of the French, especially by John Colonna's raising the number of French conventual churches which could participate in patriarchal elections, and by Honorius' award of these churches to the Emperor. The Podestà's warning to the Doge in 1219 that he had better look to Venetian interests at Rome if he wished to retain the

<sup>163</sup> Alberic, *op cit.*, 919.

<sup>164</sup> *Ibid.*; cf. Santifaller, 37.

privilege of securing Venetian patriarchs in Constantinople proved prophetic; for in 1226 Honorius appointed a French patriarch.

Though Halgrin declined, the Venetian monopoly was broken. Simon, Archbishop of Tyre, was probably not a Venetian; his successor, Nicholas of Castro Arquato, was to be a Piacenzan. Thus one aim of papal policy vis-à-vis the new patriarchate was to break the uncanonical hold which the Venetians had possessed over it from the first, without at the same time alienating the Venetians so far that they would be disinclined to assist other papal projects. In this aim Innocent and Honorius succeeded, over the course of some twenty-three years.

Further, Innocent and Honorius were determined that, within Romania itself, the authority of the papacy should be supreme, no matter what the nationality of the patriarch. To this end they weakened the power of successive patriarchs by confirming exemptions, by writing harsh letters of disapproval, by taking advantage of the financial straits in which Gervasius and Matthaëus found themselves, and, above all, by sending to Constantinople a series of aggressive and able legates, men whose mere presence in the city as papal representatives decreased the prestige of the Patriarch. Peter Capuano, Benedict of St. Susanna, Pelagius of Albano, and John Colonna all acted as checks to the power of the patriarch by issuing decrees of their own, countermanding patriarchal instructions, negotiating with laymen and with the Greeks in the name of the Roman Church, and thrusting the Patriarch into the background.

This whittling away of patriarchal prestige and the concomitant building up of papal prestige might have served the ends of the papacy, had conditions in Romania been settled, communications with Rome easy, or the transfer to Rome of power over church affairs in Constantinople otherwise desirable. With military annihilation always threatening the Latin position in Romania, however, and with the journey to Rome long and dangerous, it might be argued that it would have been more advantageous for the papacy if Innocent and Honorius had, instead, established and subsidized a powerful ecclesiastical authority in Constantinople. By keeping the Latin patriarchate strong, even at the cost of some of their own minor prerogatives, they might have brought the actual position of the patriarch more into accord with his theoretical pretensions; in this way they might have been able to strengthen the Empire itself and to retain in the territory of the Greek schismatics an outpost which would have proved helpful in further negotiations for the union of the churches and for the Crusade, the two chief objectives of papal foreign policy.

On the other hand, it is clear that this solution to what was essentially a



problem of colonial administration would also have presented grave difficulties. To keep the patriarchate strong would have meant to keep it Venetian, since the economic power and the means of communication with the west were largely a Venetian monopoly. This in turn would probably not only have necessitated the sanctioning of uncanonical practices and the loss of papal prestige, but would also have involved the fairly certain risk of a virtually complete secularization of ecclesiastical affairs and practices in Romania, which obviously presented too grave a danger for the papacy to contemplate. Moreover, the Popes could hardly be expected to forget that several centuries of schism had arisen in large measure because of the exalted conception which the Greeks held of the prestige and powers of the Patriarch of Constantinople. To allow a Latin patriarch, especially a Venetian, to arrogate to himself that prestige and those powers was to court the danger of new revolts against papal supremacy, and even, perhaps, of new schism. For these reasons, one may perhaps safely conjecture from the evidence, the Popes followed the policies we have been describing, and broke the Venetian monopoly. Once the Venetian monopoly had been broken, and this danger averted, it proved to be too late to rehabilitate the power of the Latin patriarch, although, as we shall see, the Popes tried to do so. The result of the policies they felt obliged to adopt was that the Latin patriarch lost in power and prestige even over the rapidly shrinking territories of the Latin Empire.

#### THE LAST THREE PATRIARCHS, 1229–1261: AN EPILOGUE

After the death of Robert of Courtenay in 1228, the Constantinopolitan barons chose as his successor John of Brienne, aged former King of Jerusalem, who was to be regent (1229–1237) for the young son of Peter and Yolande, the future Baldwin II (1237–1261). The new Patriarch, Simon of Tyre, was in Perugia with Gregory IX on April 9, 1229, when the pact was signed confirming this arrangement.<sup>165</sup> On July 20, Simon received the privilege of promoting sub-deacons, of reducing the number of bishoprics in Romania,<sup>166</sup> and of acting as the final judge in suits involving less than twenty marks.<sup>167</sup> By May 8, 1231, he was in Constantinople, since on that date Gregory instructed him to welcome and to be of service to John of Brienne, then en route to Constantinople with a large following after a long delay.<sup>168</sup> On April 1, 1232, the Pope named Simon and Emperor John as a two-man investigating commission to inquire into the truth of the profes-

<sup>165</sup> Auvray 290; T.-Th. II, p. 265, no. 273.

<sup>166</sup> For the history of this kind of privilege, see Wolff, *Organization*.

<sup>167</sup> Auvray 328.

<sup>168</sup> Auvray 656.

sions of orthodoxy then being made by Manuel Angelus of Thessalonica, brother of the recently deceased Theodore.<sup>169</sup> On September 5, 1232, Gregory granted Simon permission to use the pallium in Syria, if he should go there on a pilgrimage, on the same day as a local patriarch or archbishop.<sup>170</sup>

For the remainder of Simon's short patriarchate there survive records of three local disputes to which he was a party, of which two were purely ecclesiastical, involving only the chapter of St. Sophia. On one occasion seven canons of the cathedral failed to comply with a sentence of excommunication imposed upon them by Simon, who then proceeded to declare them *canonici irregulares*. The canons maintained that the sentences of excommunication had never been valid because an appeal to the Pope had already been entered; none the less they swore to obey Simon in the future. Thereupon Simon forgave and absolved them, but did not permit them to take possession of their benefices, whereupon they complained to Rome a second time, and were forced to take the long and expensive journey there. They secured justice, however, for the Pope commanded the Patriarch either to restore them to their benefices, or himself to come to Rome to show cause why this should not be done; and the chapter was required to provide four hyperpers of just weight monthly to cover the expenses of each of the canons until the case should be settled — in spite of the fact that their prebends had already been conferred upon other clerics. The dean and *praepositus* of Heracleia, and the prior of the Venetian church of St. Nicholas de Embulo were instructed to see justice done.<sup>171</sup> There is no indication whether these canons ousted by the Patriarch were ever restored to their prebends, nor is there any way of determining whether or not they were Venetians. If they were, the removal from the cathedral chapter of seven Venetians at one stroke would have dealt a serious blow to the majority which Venice still retained there.

There is perhaps some indication that these seven may have been Venetians, and that Simon may have been deliberately trying to destroy their special position: on the only other occasion known to us when Simon deprived one of his canons of his benefice, it was a Venetian. This cleric had fallen ill at Venice, while en route to Rome, and had there been offered by the Bishop of Castello (one of the suffragans of Grado) the archipresbyterate of his own church, and later a priory. Although the canon apparently accepted these offices and was for this reason ousted by Simon, he later resigned them, and spent three years in Rome attempting to secure the resto-

<sup>169</sup> Auvray 786.

<sup>170</sup> Auvray 862.

<sup>171</sup> Auvray 944, 945.

ration of his rights in Constantinople. The Pope finally cited Simon for depriving the canon of his benefice; but Simon had meanwhile died. On April 13, 1234, Gregory entrusted the case to the same commission of three clerics who had been chosen to deal with the other affair of the seven canons.<sup>172</sup>

The third case in which Simon was involved was a dispute over a baronial marriage, over which, as Patriarch, he had jurisdiction according to canon law. This is the only case of its type during the history of the patriarchate, any record of which survives. For this reason, and because it sheds some light on the position of women in Romania, reminding the student of similar cases in the Latin Kingdom of Jerusalem, it seems worth a brief examination here. Isabella de Claromonte claimed that she had been legitimately married to M. de Brabantia (perhaps a son of Milo de Brabant, one of the original Crusaders) by Patriarch Matthaeus. When her father died, a certain N. de Tusciano "in whose power she then was" (presumably her guardian) gave her as wife to one Angelus de Facto. As soon as Angelus had known her carnally, N. de Tusciano took her away to live among "strange and barbarous peoples," bringing her back at the end of five years only at the request of Angelus. Because she feared that if she opposed his will, Angelus would cause her to be sent back to live among those peoples again, she swore, in the Patriarch's presence, that she had consented to be married to him. When her liberty was thereafter restored, she contradicted this statement and humbly besought the Patriarch to restore her to her first legitimate husband, on the ground that "what is done by force or fear should have no validity." Because she had previously sworn in the Patriarch's presence that her marriage to Angelus had been at her own consent, Simon refused to act upon her appeal. She then appealed to the Pope, who instructed the Bishop of Selymbria, and the archdeacon and a *praepositus* of Constantinople to decide the affair as they saw fit.<sup>173</sup>

More significant than these lawsuits, lay and ecclesiastical, in which the Patriarch Simon became involved, are two instances, during his patriarchate, in which Pope Gregory IX appears sharply to have reversed the policy of his predecessors. On March 14, 1233, Gregory issued a new ruling on the thirty-two *praepositurae*, the French conventual churches. As we know, presentation to these had been claimed as an imperial prerogative since the earliest days of Baldwin I: twenty-three of them had been taken and allowed to fall vacant by Benedict of St. Susanna; these were revived by John Colonna, who used their *praepositi* as an instrument to keep the Venetian cathedral chapter from electing without opposition their choice as patriarch;

<sup>172</sup> Auvray 1893.

<sup>173</sup> Auvray 1138.

and Honorius III awarded them to the Emperor Robert. Gregory IX now wrote that, although Pope Honorius had granted the Emperor Robert the right of appointing *praepositi* to the thirty-two churches of the French party, and although the Emperor Robert, and — during the interregnum 1228–1231 — his *baiulus*<sup>174</sup> had made such appointments, this right belonged *de jure* to the Patriarch. Reversing Honorius' decree, the Pope now ordered that the *praepositi* appointed by the Emperor and the *baiulus* should be removed from office, and that the Patriarch should appoint suitable clerics of his own choice to fill the vacancies.<sup>175</sup> Thus the Patriarch finally won this ancient dispute.

This deliberate reversal of previous policy would have removed the greatest single check on the Patriarch, had he been a Venetian. Merely by following the Pope's instructions, a Venetian patriarch could have displaced all the French clerics, and replaced them all by Venetians. With a strongly Venetian cathedral chapter and a solidly Venetian group of *praepositi*, it is clear that all future patriarchs would have been Venetian. Disputed elections would not have taken place, and the popes could no longer have retained what was in effect the privilege of appointing the Latin Patriarch. It seems in the highest degree unlikely that Gregory would have taken such a risk, had Simon been a Venetian. The mere fact that the Pope made the grant is in itself a reasonably sure indication that Simon was not Venetian. The positive reason for Gregory's action was almost certainly his wish to strengthen the Patriarch in the difficult times through which the Empire was passing.

A further indication that such was Gregory's intention is offered by his second reversal of policy, which set a precedent contrary to all previous practice. The Pope appointed Simon, while still Patriarch, to the office of legate, to be held simultaneously. The exact date of this appointment is not certain; but all communications to Simon beginning with that of May 8, 1231, are addressed to him as legate of the Apostolic See as well as Patriarch.<sup>176</sup> Thus Gregory IX abandoned the long-standing practice whereby Innocent and Honorius had maintained in Constantinople a legate independent of the Patriarch and had used him as a check on the Patriarch's power, thus limiting the activities of Thomas Morosini, Gervasius, and Matthaeus. The offices of patriarch and papal legate for Romania were now merged. It would seem probable that this too represented an attempt to

<sup>174</sup> Between Robert's death in 1228 and the arrival of John of Brienne in Constantinople in 1231, the *bailli* was Narjot de Toucy, son of one of crusaders of the fourth Crusade.

<sup>175</sup> Auvray 1184. Cf. above text and notes 58 and 145.

<sup>176</sup> Auvray 656.

inject strength into, and inspire respect for, the patriarchate, now no longer in danger of becoming a mere instrument of the Venetians.

Simon died in early 1233; and the patriarchal see remained vacant for more than a year.<sup>177</sup> The new Patriarch was Nicholas of Santo Arquato, of the noble family of della Porta of Piacenza, who was Bishop of Spoleto and a papal vice-chancellor. There are no details of his election, save for one passage in a contemporary chronicler which indicates that the Pope simply appointed him.<sup>178</sup> Although Nicholas remained in office seventeen years, longer than any other patriarch, they are not well-documented years in general. The Patriarch was often away from Constantinople and in the Pope's company; so that letters were not exchanged between them. The papacy was now plunged into the prolonged struggle with the Emperor Frederick II; and the Pope had his attention riveted, perforce, on affairs in Italy. Moreover, the Apostolic See itself was vacant between the death of Gregory IX on August 22, 1241, and the election of Innocent IV on June 25, 1243. For this period of nearly two years there are no surviving sources for the Latin patriarchate.

On August 12, 1234, Gregory IX conferred on Nicholas the office of legate previously held by Simon; and therewith the right to "uproot, destroy, scatter and disperse, build, and plant" whatever he might think proper.<sup>179</sup> This is the sort of privilege which would not have been conferred upon the first three patriarchs, but which was now urgently needed as an emergency measure, and with which Nicholas, as papal vice-chancellor and a non-Venetian, could presumably be trusted. For the remainder of Gregory's pontificate, the papal correspondence is scanty. Except for a single case involving the Patriarch, it is altogether devoted to measures for increasing the solvency and security of the Patriarch as the Greek military and political threat to the Latins in Constantinople grew more serious.

The case of the Patriarch arose in 1241, and was settled by Gregory in March. The Patriarch Nicholas had accused the Archbishop of Corinth of contumaciousness because he had refused to come to Constantinople and do reverence to him; he had therefore excommunicated the archbishop, and had laid Corinth under an interdict. The archbishop argued that, at the time of the excommunication, he had already appealed to Rome to get permission not to go to Constantinople, alleging his own infirmity, the danger of the roads, and the perils of war, which had cut off Constantinople from anyone who might wish to go there. The two cardinals to whom the Pope submitted

<sup>177</sup> Santifaller, 36–37.

<sup>178</sup> Alberic, 933.

<sup>179</sup> Auvray 2049.

this case (one of whom was the future Innocent IV) decided that the archbishop was to be absolved, and forgiven for having celebrated mass while under sentence of excommunication. He was required, however, to swear an oath to obey the Patriarch, but in future the Patriarch would not be permitted to issue instructions to him except by the specific mandate of the Holy See. He was further required to come to Rome at any convenient time within the following six months.<sup>180</sup>

On November 22, 1236, Gregory called upon all the prelates of the Morea for financial aid to the Patriarch, who, through the fortunes of war and the "malice of the Greeks," had "lost almost all his income and his property, and who had spent all that he had, so that he did not have enough to live on." The prelates were required to provide for him adequately, so that he might continue to remain in Constantinople, in the interests of the Empire.<sup>181</sup> This was only the first of a series of appeals to the churches of the wealthy and comparatively secure Morea for aid to the stricken patriarchate. On May 29, 1241, Gregory wrote again, this time to the Archbishop of Thebes, and the Prior of the Dominicans and Archdeacon of Nigropont, lamenting the tragic state of the see of Constantinople:

We cannot behold her penury without grief, or refrain from pitying her dreadful misery. She who was once the most opulent and the pre-eminent leader of the adjacent provinces, shining with the light of her special privilege, has now, because of the troubled state of the Empire of Constantinople, been sadly and wretchedly brought almost to extreme emptiness, nor is there anyone willing or able to stretch out a hand to her; nay, rather her enemies, foes to God and the Church, have not hesitated to consume her relics.

Gregory therefore commanded that there be paid to the destitute Patriarch one tenth of all the ecclesiastical income of the Morea, Nigropont and the islands.<sup>182</sup> So true was the picture painted by this letter that Gregory's successor, Innocent IV, used its text verbatim when, upon his accession in 1243, he found the situation unchanged. On July 24, 1243, he addressed the very same appeal to the Archbishop and treasurer of Athens and the dean of Thebes, exempting from the payment only the imperial abbeys, the Templars and Hospitallers, and the Cistercians, and requiring that the money be paid even if the Patriarch should have left Constantinople and come to Rome to get succor for the Empire.<sup>183</sup>

On July 10, 1243, Innocent IV renewed the appointment of Nicholas as papal legate in the Empire of Constantinople and in the Christian army

<sup>180</sup> Auvray 5384.

<sup>181</sup> Auvray 3382; text in Raynaldus' *Annales*, II, p. 159, s.a. 1236, chapter 70.

<sup>182</sup> Auvray 6035.

<sup>183</sup> Berger 33, 94.

wherever it might be in the Empire, and announced this appointment to all the prelates throughout the Empire.<sup>184</sup> This appointment was renewed on May 28, 1249.<sup>185</sup> In 1243 Nicholas was still in Constantinople, but was contemplating a visit to Rome. He probably left Constantinople in that year or shortly thereafter. He attended the Council of Lyons called by Innocent in 1245 to condemn Frederick II, and there made a moving statement of the miseries of the church of Constantinople.<sup>186</sup> He remained away at least until June 11, 1249, when Innocent IV wrote to the Emperor and barons in Constantinople consoling them for their Patriarch's long absence, and reminding them that his stay in Rome had been prolonged at the Pope's own request, and would be serviceable to the Empire. Innocent warned the secular lords to preserve the Patriarch's rights intact, and to do him no injury.<sup>187</sup> But no mention was made of Nicholas' possible return to Constantinople, and it seems improbable that he ever did so. In July, 1250, he was still in Italy, where he interceded for a cleric, together with the Bishop of Parma;<sup>188</sup> and sometime between July and September, 1251, he died at Milan.<sup>189</sup>

For the period of his seven- or eight-year absence there survive only the scantiest records in the papal registers either of the patriarchate itself or of his own activity. Even the few papal documents which are available, however, appear to tell a story in themselves. On March 5, 1246, Innocent instructed the Abbot de Tolla of the diocese of Piacenza to receive as a canon in any of the churches of that city or diocese Girard, one of the clerics of the Patriarch of Constantinople, a canon of the church of St. George of the Mangana.<sup>190</sup> On November 15, 1246, he commanded that Miranus, the Patriarch's chaplain and Dean of Nigropont, be received into the church of St. Ambrose in Milan.<sup>191</sup> On May 26, 1248, he commanded that Jacobus de Aspello, a cleric of the Patriarch, be received into the church of St. Laurence de Spello in Spoleto.<sup>192</sup> All three documents indicate the necessity of providing in Italy for clerics from Constantinople. It is possible that these documents may reflect a flight of clerics from Romania, but we do not know whether the particular ones for whom provision was made were all mem-

<sup>184</sup> Berger 8, 32.

<sup>185</sup> Berger 4561.

<sup>186</sup> Matthew Paris, *Chronica Majora*, ed. H. R. Luard (London, 1877), Rolls Series IV, 431-432.

<sup>187</sup> Berger 4560.

<sup>188</sup> Berger 4801.

<sup>189</sup> Berger 5472.

<sup>190</sup> Berger 1748.

<sup>191</sup> Berger 2266.

<sup>192</sup> Berger 4170.

bers of the Patriarch's personal suite on sojourn in Italy, or whether they had actually fled the Empire, and returned to the west. In any case, a substantial number must have remained in Constantinople. On June 11, 1249, Innocent wrote to the Archdeacon of Constantinople and the Patriarch's vicars and deacons to fulfill their duties as the Patriarch's vicars general. The other clerics of the Empire were commanded to obey these vicars.<sup>193</sup>

The history of the Latin patriarchate's last fifteen years is to be understood in the light of the popes' reluctant but growing conviction that the Greek threat had become desperate. They were now at times willing to write off the loss of both Empire and patriarchate with resignation if not with equanimity, if they could negotiate directly with the Greeks for a union of the churches. Yet, when the negotiations with the Greeks moved slowly or unsatisfactorily, and during the intervals between such negotiations, the popes still intervened to protect the Latin Empire and patriarchate. From the death of Nicholas in late 1251 until February 15, 1253, the Latin Patriarch's throne remained vacant. On this date, Innocent IV appointed — so far as can be told without any previous election — the new incumbent, his own chaplain, Pantaleone Giustiniani, of a distinguished Venetian noble family, son of Philip, lord of Ceos and Seriphos.<sup>194</sup> The appointment was made at the instance and on the specific recommendation of the "Doge and People" of Venice. "We hope and believe," wrote Innocent, "that the church of Constantinople will make great gains through your industry and under the guardianship of the Venetians." On July 1, the chapter of Constantinople was informed of the choice.<sup>195</sup> Thus the Pope recognized the Venetians as the only agency which could now save the Empire from ruin. The wheel had now swung full circle: after the initial conciliation and appeasement of Venice, pursued as a policy by Innocent III, he and his successors made a successful effort to weaken the patriarchs, which helped throw into jeopardy the whole Latin domination of Constantinople, thus necessitating new conciliation of the Venetians.

Innocent made Giustiniani his legate in the Empire and army, and commanded the clergy to receive him in this capacity.<sup>196</sup> He was authorized to absolve simoniacs, to use the pallium when in Venice, to permit four clerics in his suite to retain two benefices apiece in the Empire of Constantinople,<sup>197</sup>

<sup>193</sup> Berger 4562, 4565.

<sup>194</sup> Santifaller, 42 ff.

<sup>195</sup> Berger 6804, 6828.

<sup>196</sup> Berger 6676, 6668.

<sup>197</sup> This privilege had also been conferred upon the Archdeacon of Torcello, who also held an additional Venetian benefice; but whom Innocent wished to possess a benefice in Romania as well. Berger 6846.



to absolve and fine pirates and those who dealt with the Saracens in contraband wood and iron, and to use for his own purposes the money which these men would otherwise have to spend in journeying to Rome to receive absolution there.<sup>198</sup> He was also granted the privilege of receiving the income from vacant cathedral churches, archiepiscopal or episcopal, and from vacant abbeys, and from all other vacant benefices in the Empire; and the Prior of Nigropont and Bishop of Modon were specifically commanded to give him either an archiepiscopal or episcopal church in Romania.<sup>199</sup> Further, he was permitted to negotiate a loan in Venice up to the sum of 1,000 marks sterling, to pledge church property as security, and to collect this 1,000 marks to repay the Venetians from the churches of the Empire, assessing them proportionately to their resources.<sup>200</sup>

On September 14, Giustiniani negotiated this loan; the document is the last of the five surviving original acts of the Latin Patriarchs. Acknowledging the receipt of 3,500 pounds of Venetian denarii to cover his debts and the expenses of his journey to Constantinople, he pledged as security all the movable and immovable property of the church of Constantinople, and promised to repay one-third of the loan within two years. The straits of the patriarchate are further illumined by a letter from Innocent requiring Giustiniani to compel the clergy of Constantinople to remain in residence by depriving of their incomes any who might depart.<sup>201</sup> His cathedral chapter was relieved of a sentence of excommunication passed against it by the Archbishop of Heracleia, which was adjudged unjust.<sup>202</sup> Finally, the Patriarch was instructed to preach the Crusade against the Greeks, both in Venice and in Romania, Innocent, in his solicitude, likening the Roman church without Constantinople to a man deformed by the loss of a limb.<sup>203</sup>

Upon his succession in 1254, Pope Alexander IV re-appointed Giustiniani legate, with the same privileges as had been accorded by Innocent IV,<sup>204</sup> and renewed the exemption of the Venetian churches of Constantinople subject to the Patriarch of Grado.<sup>205</sup> On July 25, 1257, the Pope ordered the provincial Minister of the Franciscans in Romania to help alleviate the poverty of the patriarchate, whose income had been so badly depleted as a result of attacks by the Greeks that the Patriarch was again unable to support him-

<sup>198</sup> Berger 6833, 6839, 6836, 6831.

<sup>199</sup> Berger 6835, 6848, 7845.

<sup>200</sup> Discovered and printed by Santifaller, *op. cit.*, 71 ff.

<sup>201</sup> Berger 6848.

<sup>202</sup> Berger 6362.

<sup>203</sup> Berger 6829, 6845.

<sup>204</sup> Bourel 182, 183.

<sup>205</sup> Bourel 1415; Potthast 16, 418; T.-Th. II, p. 16, no. 336, p. 18, no. 336.

self. Although commanded to provide for him, his clergy had contumaciously refused subsidies; the Patriarch had punished them by excommunicating them; the result had been such a discord that religious life had virtually come to a stop, while the Greek pressure was growing steadily worse. The Franciscan Provincial Minister was instructed to call a council of all the prelates, who were to provide 500 marks of silver annually for the support of the Patriarch until such time as he should be able to collect his own income. This 500 marks was to take the place of any sums then being paid the Patriarch; and no cleric was exempt from contributing to it.<sup>206</sup> With this last attempt to squeeze the harassed clergy of Constantinople in an effort to provide for their destitute Patriarch, the Latin Patriarch of Constantinople disappears from the papal correspondence until after the recapture of the city by the Greeks just four years later.

In July 1261, Giustiniani had apparently gone with the Latin army to besiege Daphnusion,<sup>207</sup> when the Greeks surprised and re-took the capital. The Patriarch escaped, although not at the same time as Emperor Baldwin II. In 1263, Pope Urban IV confirmed Giustiniani's appointment of a Franciscan vicar in Constantinople to look after the temporal and spiritual interests of the patriarchate.<sup>208</sup> In 1274, Giustiniani took part in the second Council of Lyons, where Union with the Greeks was temporarily achieved; in 1286 he died.<sup>209</sup> His will, dated July 1282, has recently been discovered in the Museo Civico of Padua, and published.<sup>210</sup>

The Latin Empire and Patriarchate came to an end together, although both continued to exist for centuries in the hands of titular dignitaries. The underlying antagonism between the French and the Venetians, and the specific quarrels growing out of the original treaty between them, had led to an intense struggle for the control of the patriarchate — a struggle in which the Popes participated, securing to themselves in practice the right to appoint the Patriarch. The papacy, however, always looked beyond the patriarchate to its chief objective — healing of the schism with the Greeks; and, when it became apparent that the patriarchate was not, as had been hoped, to prove the instrument for attaining this end, and that union could not indeed be achieved so long as a Latin Patriarch remained in Constanti-

<sup>206</sup> Bourel 2072; J. Sbaralea, *Bullarium Franciscanum* II (Rome, 1759) p. 229. See R. L. Wolff, "The Latin Empire of Constantinople and the Franciscans," *Traditio* II (1944) 213-237.

<sup>207</sup> Raynaldus, *Annales*, III, p. 80, s.a. 1261, chapter 26.

<sup>208</sup> Guiraud 434; Potthast 18, 697; Sbaralea, *op. cit.*, II, 524.

<sup>209</sup> Santifaller, *op. cit.*, 44-45.

<sup>210</sup> V. Lazzarini, "Il testamento di Pantaleone Giustiniani patriarca di Costantinopoli, 1282 luglio," *Archivio Veneto*, LXX (1940) 80-84.

nople, the Popes prepared to sacrifice the Patriarch in exchange for an agreement with the Greeks.

Meanwhile the folly of western churchmen and laymen alike, who looted the treasures of palace and church, and drained the richest city of the known world, reduced the Latin Patriarch to such penury that, like the Emperor, he sold copper and lead from the roofs to keep himself alive, until even this means failed, and he became dependent upon the charity of others. The history of the Latin patriarchate is one of the most revealing chapters in the curious and ill-fated colonial experiment which the westerners attempted to carry on in Constantinople.

## APPENDIX

## HITHERTO UNPUBLISHED LETTERS OF POPE HONORIUS III

## I

Pressutti 720, Reg. Vat. IX, Book 2, letter 570, folio 143, August 10, 1217.

To the Patriarch of Constantinople:

Quanto maiorem in ecclesia dei locum nosceris obtinere, tanto tibi amplius deferre proponimus, et iura tua plenius conservare, unde siquando petitiones tuas te ita exigente suspendimus, tua non debet moveri fraternitas, vel minari, cum id non ex caritatis defectu sed quia expedire credimus tibi ipsi, sollicita deliberatione ac deliberata sollicitudine faciamus, satagentes pro universis et singulis et universorum commodum singulorum utilitatibus preferentes. Quemadmodum fecimus in questione inter ecclesias et baiulum ac principes imperii Constantinopolitani suborta super possessionibus restituendis ipsis ecclesiis, et earum libertatibus conservandis, quam utique pensato statu eiusdem imperii qui propter lamentabilem obitum clare memorie B. Constantinopolitani Imperatoris, ac deinde propter infortunum deplorandum quod accidit karissimo in christo filio nostro P(etro), Imperatori Constantinopolitano illustri, et dilecto filio nostro I(ohanni) titulo Sancte Praxedis presbytero Cardinali apostolice sedis legato, per quos reformandus et consolidandus merito sperabatur, turbatus esse noscitur et concussus, de fratrum nostro consilio providimus suspendendam, ne si Grecorum malitia propter iamdictum infortunum ex quo novam assumpsisse videtur audaciam Latinos in ipso imperio consistentes discordes inveniret hoc tempore ac divisos, eo acrior se contra eos erigeret quo eosdem consueve unanimatis vinculum non uniret; \* et sic regno et sacerdotio de parte possessionum improvide litigantibus accideret perditum, presertim cum ipsi principes se periculis bellorum exponere formidarent propter latam excommunicationis sententiam in eosdem. Tu ergo prudenter considerans quanta cura quantaque sollicitudine processerimus in hoc facto, et attendens quod ex urgenti et quasi necessaria causa questionem suspendimus supradictam, quod utiliter fecimus, feras sicut tuam decet prudentiam patienter, fratribus et coepiscopis tuis et aliis clericis quos huiusmodi tangit negotium ostendendo quod eis moleste esse non debet questionis predictae suspensio, cum provisa fuerit ad communem utilitatem ac statum omnium Latinorum consistentium in imperio sepe dicto; et super hoc intendamus utiliter providere tempore opportuno. Denique Latinos ipsos tam clericos quam laicos inducere studeas sollicito ac sollerter, ut hiis et aliis questionibus qui inter eos possunt scissuram parere intermissis, ad ea que status imperii valeat conservari una tecum unanimi studio satagent et intendant. Latores autem presentium qui super restitutionem predictam nobis institerunt fideliter et prudenter fraternitati tue reddimus commendatos. Datum Ferentini iiii Idus Augusti Pontificatus nostri anno secundo. In precedenti littera, videlicet Quanto maiorem, subsequentem misimus interclusam, videlicet: Ad mandandam predictam relaxati sententiam id etiam non modicum nos induxit: quod mandatum felicis memorie I(nnocentii) papae predecessoris nostri, cuius auctoritate lata fuit sententia memorata, cum mandatore ut dicitur expirarat, quando pervenit ad iudices qui eandem sententiam promulgarint, et etiam clare memorie B. Constantinopolitanus Imperator, cui super hoc idem predecessor noster suas litteras dirigebat, et quo negligente quod continebatur in illis demum procedere debebant iudices antedicti, subtractus fu-

\* From this point on, this letter is neither quoted nor summarized by Pressutti.

erat interim ab hac luce, quare nulle fuerunt de iure partes iudicum predictorum, tum quare ut dictum est expiraverat cum mandatore mandatum; tum quare dictus imperator qui iam omnino non erat negligens non poterat reputari, nec dicti principes gravandi propter hoc aliquatenus videbantur, qui vacante imperio merito dubitabant circa eius statum aliquid immutare. Has autem rationes in litteris pro dicte sententie relaxatione directis de industria non expressimus, ne videlicet dicti principes se gravari putantes, si pro sententia a non suis lata iudicibus exigeretur iuratoria cautio ab eisdem, se in eiusdem protestatione difficiles exhiberent, et eo tardius cogi possent ad restitutionem dictarum possessionum ecclesiis faciendam, quo super hoc nullo astricti essent vinculo iuramenti. Ex hiis colligere potest tua discretio quod non magis ecclesie quam principes sepe dicti gravati videntur in negotio memorato.

## II

Pressutti 1174, Reg. Vat. XI, Book 2, letter 960, folio 234, March 22, 1218.

To all the clergy of Constantinople:

Cum a nobis petitur et cetera usque effectum. Ex parte siquidem vestra fuit nobis humiliter supplicatum ut cum felicitis recordationis I(nnocentius) predecessor noster provida deliberatione statueret ut, cum ecclesiam contingerit Constantinopolis vacare, universi prelati conventualium ecclesiarum apud Constantinopolim positarum in ecclesia Sancte Sophie una cum canonicis eius ad tractandum super electione conveniant, et de unanimi consensu omnium vel maioris aut sanioris partis eorum electio secundum deum de persona idonea canonice celebretur, constitutionem ipsius super hoc editam apostolico dignemur munimine roborare. Nos igitur vestris iustis postulationibus grato concurrentes assensu, statutum ipsum cuius tenorem de verbo ad verbum presentibus iussimus litteris annotari, auctoritate apostolica confirmamus et presens scriptum patrocinio communimus. Tenor autem eiusdem constitutionis est talis: Innocentius episcopus servus servorum dei, venerabili fratri Patriarche et universo clero Constantinopolitano salutem et apostolicam benedictionem. Licet apostolica sedes, que mater est ecclesiarum omnium et magistra, nulli prorsus iniuriam faciat cum utitur iure suo, nec minores ecclesie in suum debeant preiudicium allegare cum quicquam in eis ex collata sibi celitus potestate disponitur, utpote que sic vocavit alias in partem sollicitudinis ut sibi reservaret in omnibus plenitudinem potestatis, Constantinopolitane tamen ecclesie nuper providere volentes, nolumus ex eo quod te frater Patriarcha eligere ac confirmare curavimus et tandem duximus consecrandum auferre ipsi electionis canonice libertatem, aut per factum nostrum eidem preiudicare in posterum quominus cum eam vacare contingeret, deberet et posset canonice ordinari. Unde super hoc litteras tibi concessimus ad cautelam. Ceterum cum eadem ecclesia primum locum obtineat post Romanam et antistes ipsius a Romano Pontifice sit secundus, ideoque quanto maiorem obtinet in ecclesia dei locum, tanto cum maiori deliberatione ac deliberatione ac maturiori et pleniori sit consilio eligendus, presentium auctoritate statuimus, ut cum eandem ecclesiam vacare contingerit, universi prelati conventualium ecclesiarum apud Constantinopolim positarum in ecclesia Sancte Sophie una cum canonicis eius ad tractandum super electione conveniant, et de unanimi consensu omnium vel maioris et sanioris partis eorum electio secundum deum de persona idonea canonice celebretur. Nulli ergo et cetera nostre constitutionis infringere, vel ei et cetera usque contraire. Siquis autem et cetera usque incursum. Decernamus ergo et cetera nostre confirmationis infringere vel ei et cetera usque contraire. Siquis autem et cetera.

Datum Laterani xi kalendis Aprilis, Anno Secundo.

## III

Pressutti 1428, Reg. Vat. IX, Book 2, letter 1179, folio 265, June 11, 1218.

To his legate, John Colonna:

Venerabilis frater noster patriarcha et dilecti filii capitulum Constantinopolis a nobis humiliter postularunt ut super eo quod a karissima in Christo filia (nostra) Imperatrice Constantinopolis illustri et nobilibus viris baronibus militibus et aliis vassallis eius, potestate Venetorum (et) aliis Venetis detinentur eorum ecclesie possessiones iniuste, propterea quod canonici domino militantes ibidem quintadecima sibi per venerabilem fratrem nostrum episcopum Albanensem tunc in partibus illis officio legationis fungentem subtracta, et duodecima apostolica auctoritate suspensa, fere mendicare coguntur, providere sibi paterna sollicitudine dignaremur. Nos igitur ipsis super hoc providere volentes, discretioni tue per apostolica scripta mandamus quatenus, iuris equitate servata, super hoc ordinans et disponans prout videris expedire, facias quod statueris per censuram ecclesiasticam appellatione remota firmiter observari.

Datum Romae apud Sanctum Petrum iii Idus Junii Anno Secundo.

## IV

Pressutti 3863, Reg. Vat. XI, Book 6, letter 287, folio 214 ff, March 17, 1222.\*

To the Patriarch and the Archbishops and Bishops of the Empire of Constantinople beyond Macri, and of the Kingdom of Thessalonica, and to their beloved sons, the chapters, prelates, and clerics of the churches of the French party, the religious of Constantinople:

Quia tenemur ad omnia pacis consilia cogitare, compositiones amicales litium materiam sapientes, maxime mediante aliquo de fratribus nostris inter litigantes provide initas acceptantes, tanto eius fiducialius apostolica muniminis firmitate vallamus, quanto certius credimus nullum in ipsis intervenisse pravitatis. Sane cum olim inter prelatos et clerum ex parte una et nobiles viros barones et fideles Imperii Constantinopolitani ultra Macram ex altera super libertatibus, possessionibus, et iuribus ecclesiarum multiplex questio exhorta fuisset et diutius agitata, faciente domino qui aspera convertit in plana, per ministerium dilecti filii nostri I (ohannis) tituli sancte Praxedis presbyteri Cardinalis tunc apostolice sedis legati, amicalis compositio intervenit, quam karissimus in Christo filius noster R (obertus) Imperator Constantinopolitamus illustris tam pro se quam suis fidelibus ultra Macram acceptavit postmodum et recepit. Cuius tenorem nobis exhibitum, nos et fratres nostri examinantes sicut expedire vidimus diligenter, compositionem eandem, pensato statu Imperii, satis rationabilem et honestam et tam clero quam populo utilem et necessariam, habuimus et habemus ratam et gratam, et ad vestram ac Imperatoris predicti et eius fidelium ultra Macram supplicationem humilem de fratrum nostrorum consilio auctoritate apostolica confirmamus et presens scriptum patrocinio communimus. Et ad maiorem rei credentiam tenorem ipsius compositionis sicut in eiusdem Imperatoris litteris plenius continetur de verbo in verbum presentibus duximus inserendum. Qui talis est.

[Robertus Dei gratia fidelissimus in Christo Imperator a Deo coronatus, Romanie moderator, et semper Augustus, Omnibus presentes litteras inspecturis, Salutem et Imperialis gratie celsitudinum. Noverit universitas vestra hanc esse pacem initam inter

\* The portions of this letter already in print in Raynaldus' *Annales Ecclesiastici* are here enclosed within square brackets.

ecclesiam ex una parte, et bone memorie dominum Cononem tunc baiulum Imperii, et barones nostros citra Macram ex alia, in praesentia venerabilis patris et domini I (ohannis) tituli Sancte Praxedis presbyteri Cardinalis Apostolicae Sedis Legati.

Clerici, et ecclesie universe, et religiose persone, tam Latinorum quam Grecorum cum familiis suis et servientibus, et qui ad ecclesiam confugerint, claustra ecclesiarum et manentes in ipsis, liberi erunt ab omni laicali iurisdictione, ita tamen quod non prohibeatur, quin laici manentes in claustris regie civitatis, alii scilicet a servientibus et familiis clericorum et religiosorum et hominibus ecclesiae, in talliis et excubiis que fuerint pro communi utilitate terrae ponant sicut alii, et hoc fiat cum conscientia domini patriarche vel capituli Sancte Sophie et aliorum prelatorum in eadem urbe regia positum; nec etiam impediatur a clericis in talibus iudicium, quod inducit penam sanguinis a laicis exerceri, ubi videlicet membrum, vel vitam debet amittere, nisi et tales ad ecclesiam confugerint.]

In casali ubi sunt viginti quinque ignes vel ultra usque ad septuaginta, duo erunt papates omnino liberi cum familiis et servientibus suis in potestate prelatorum, reddentes antiquum acrosticum dominis terrarum siquod debebant tempore Alexii Imperatoris pro terris quas tenebant a dominis siquas nunc tenent; et si ultra septuaginta usque ad centum viginti quinque ignes, quattuor erunt papates liberi, sicut superius dictum de duobus, et si ultra, erunt sex, et ita deinceps. Si vero in aliquo casali non sunt viginti quinque ignes, adiungatur de aliis vicinioribus casalibus ita quod compleatur numerus viginti quinque, in quibus erunt duo papates liberi sicut superius est expressum. Reliqui vero rurales papates dabunt illud quod impositum est per imperatores latinos et erunt liberi ipsi cum familiis suis ab omnibus angariis, perangariis, exactionibus, et talliis, et ab omni laicali iurisdictione. Papates vero seu clerici cathedralium ecclesiarum qui clericatum habebant, erunt omnino liberi cum familiis et servientibus suis, solventes antiquum acrosticum siquod debebant tempore Alexii Imperatoris pro terris siquas tenebant et tenent a dominis terrarum. De reliquis vero papatibus civitatum fiat sicut de papatibus ruralibus est ordinatum, et de cetero non ordinentur papates de hominibus laicorum contra voluntatem ipsorum ultra numerum pretaxatum.

Omnes abbacie sive ecclesie stantes et non extantes, que sunt ultra fluvium regium cuiuscumque fuerit vel fuit, que non habuerant tempore Grecorum ultra centum yperperatas terre, habeant libere et integre omnes possessiones suas sine acrostico, omni servitio, omni exactione, et laicali iurisdictione, ac sint in potestate prelatorum. Ille vero que habuerant plusquam centum yperperatas habeant quicquid habuerunt tempore latinorum; et si non habent centum yperperatas extra claustrum ad bonam assisiam imperatoris, addatur usque ad centum yperperatas et habeant libere sicut superius dictum est. Siqui tenuerunt vel tenent abbatias vel bona ipsarum preter assignationem Imperatorum Balduini et Henrici, dimittant prelatis omnino libere, et si in illis quas per Imperatores predictos tenuerunt aliquid imposuerunt preter Imperatorum assignationem, cadat quod super impositum est. Ille vero que sunt citra fluvium regium habebunt omnes possessiones sicut per predictos Imperatores ordinatum est, et laici nihil amplius recipient in eis nisi quantum impositum fuit per Imperatores iamdictos, et erunt in potestate prelatorum. Et si prelati abbatias vel ecclesias in quibus laici habent acrosticum vellent indebite gravare eas, laici opponant se honeste deponendo querelam apud Prelatos superiores.

[Omnes ecclesie cathedrales habeant omnes possessiones suas, quas habuerunt tempore Alexii Bambacoratii Imperatoris libere ab omni exactione et laicali iurisdictione, salvo tamen debito et iusto acrostico si quod debent pro possessionibus ipsis. Preterea possessiones ecclesiarum habite et habende et manentes in ipsis possessioni-

bus sint libere, ita quod ecclesia non recipiat homines Imperii, nec Imperium homines ecclesie, et si recipiantur hinc inde, salva sit justitia utriusque, sicut inter barones Imperii nunc servatur.]

Pro possessionibus ecclesiarum infra menia et illarum que sunt extra non habentes ex integro possessiones suas, et pro dampnis datis omnibus ecclesiis tam cathedralibus quam aliis intus et extra, et omnibus fructibus tam in decimis quam in redditibus et aliis perceptis, cum non possimus ex integre satisfacere, et possessiones ecclesiarum aliquę sunt ita distribute quod non possent redire ad ecclesias quin Imperium deperiret, facimus quod possimus, dantes in acquisitis et acquirendis undecimam partem omnium possessionum sive ecclesiasticarum sive non, que sunt in parte Imperii citra Macram, et omnium bonorum immobilium civitatum, casalium, camporum, nemorum, silvarum, pratorum, pomeriorum, hortorum, salinarum, passagiorum, theoloneorum terre et maris, piscariarum in mari et aqua dulci et omnium possessionum, etsi in presenti scripto non repperiantur in solidum declarate. Et preter hanc undecimam dabimus duo millia yperperatas terre bene assisas, et pro casalibus monete quod non possunt dividi in undecimam sine destructione monete, assignabimus mille yperpera in casalibus monete singulis annis donec in prima acquisitione assignetur ecclesiis valens undecimam casalium monete. De illis autem que infra muros civitatis regie tenemus, undecimam non dabimus; tamen si clericis et ecclesiis aliqua molestia est illata super illis que habuerunt post terre captionem, nos eis bona huiusmodi faciemus restitui, et ecclesia faciet inde iustitiam.

[Miles quicumque habet trecentas yperperatas terre ad assisiam Imperatoris per se dividet et dabit undecimam, et partem duorum millium yperperorum, videlicet pro centum yperperis unum et dimidium. Minora vero feuda dividantur cum feudis dominorum propinquorum. Latini vero integre dabunt decimas in aridis, liquidis, pecoribus, avibus, et eorum fructibus; alii vero qui sunt in jurisdictione Latinorum dabunt tricesimam pro decimis, sicut Latin decimas usque ad decem annos; et exinde dabunt integre decimas, nisi per ecclesiam Romanam remittatur eisdem, seu terminus prorogetur. Has et omnes alias ecclesiasticas libertates, etsi in presenti scripto non repperiantur in solidum declarate volumus ecclesias habere secundum liberaliorem consuetudinem Francie.

Facta fuit hec pax Constantinopli dominica qua cantatur Gaudete, anno domini millesimo ducentesimo decimonono. Nos quoque prescriptam pacem a baronibus et fidelibus nostris factam et juratam per omnia ratam habemus et eam de dictorum baronum et fidelium nostrorum consilio et assensu recepimus quam approbatam a cunctis baronibus et aliis nostris fidelibus, tam pro nobis quam pro ipsis servare ac complere juravimus. In huius autem rei testimonium presens scriptum bulla nostra imperiali ac nostrorum baronum bullis fecimus roborari. Actum mense junii anno Domini millesimo ducentesimo vigesimo primo, Imperii nostri anno primo. Ceterum venerabiles patres archiepiscopi et episcopi, eorum capitula, et subditi citra Macram que prescriptam pacem cum nostris baronibus inierunt, nec non reverendus pater M. (atthaeus) patriarcha Constantinopolitanus, qui compositioni factę pacis non interfuit, sed postmodum ad suum patriarchatum veniens antedictam pacem recepit, huic scripto pro maiori firmitate pacis predictę suę apposuerunt sigilla. Hanc quoque compositionem nobilis vir G. marchio Bondonitie bajulus regni Thessalonicensis pro Rege ac regno Thessalonicensi recipiens et acceptans seipsum completurum et servaturum iuravit.]

Tunc frater patriarcha et procuratorum capituli Constantinopolitani et venerabiles fratres nostri Archiepiscopus Thessalonicensis et syndici universitatis prelatorum et



cleri ac religiosorum partis Francorum Constantinopolitane accedente consensu quod niti volumus firmitate, inhibentes ne littere contra hec a sede apostolica impetrate seu etiam impetrande sint alicuius momenti, nisi plenam de hiis fecerint mentionem. Nulli ergo nostre confirmationis et inhibitionis infringere. Siquis autem, etc.

Datum Anagnie XVI kal. Aprilis, Anno sexto.

## V

Pressutti 4123, Reg. Vat. XII, Book 7, letter 16, folio 4, September 28, 1222.

To the Emperor Robert:

Hiis que ad exaltationem imperii et honorem persone tue quam speciali prerogativa dilectionis et gratie amplexamur pertinere noscuntur libenter prout convenit intendentes sicut attemptandis in tuum vel imperii preiudicium ausibus occurrere obviando sic et attemptatis nos decet succerrere providendo. Sane cum bone memorie P (etrus) tituli Sancti Marcelli presbyter Cardinalis legationis officio fungens tunc in partibus Romanie trigintaduas preposituras in civitate regia provide ordinasset quarum presentationem Imperatores Constantinopolis qui prefuerunt pro tempore habuerunt; postmodum bone memorie B (enedictus) tituli Sancte Susanne presbyter Cardinalis in eisdem partibus fungens legationis officium [sic], aliena sicut creditur astutia circumventus, ad septenarium numerum preter Imperatoris Constantinopolis convenientiam preposituras redegit easdem, ea occasione precipue quia nimis videbantur pauperes et exiles; idque fuit apostolicis litteris roboratum in imperii preiudicium manifestum. Felicis vero memorie Innocentius papa predecessor noster post hec provide statuit ut prelati ecclesiarum conventualium inter urbem vocem haberent in patriarcharum electionibus celebrandis, et suum statutum auctoritate apostolica confirmavit. Unde nobis fecisti humiliter supplicari ut, cum dilectus filius noster I (ohannis) tituli Sancte Praxedis presbyter Cardinalis, tunc in eisdem partibus apostolice sedis legatus, fere omnes trigintaduas illas ecclesias in quibus prepositure fuerant ordinate suo studio et diligentia reformarit quia easdem congruis facultatibus stabilivit, tibi tuisque successoribus nullatenus subtraheretur presentatio earundem. Nos itaque tuis precibus annuentes, et eiusdem Iohannis tituli Sancte Praxedis presbyteris Cardinalis super hoc viva voce sufficienter instructi, eo nequaquam obstande quod per supradictum B (enedictum) tituli Sancte Susanne presbyterum Cardinalem actum constitit, presentandi ius in predictis trigintaduabus preposituris sicut illud predecessores tui habuisse noscuntur auctoritate tibi apostolica confirmamus et presens scriptum patrocinio communimus. Nulli ergo et cetera nostre confirmationis. Siquis autem et cetera.

Datum Laterani iii kal. Octubris.

## VI

Pressutti 4302, Reg. Vat. XII, Book 7, letter 175, folio 51, April 11, 1223.

To the Patriarch and to the treasurer and Alexander our subdeacon, canons of Constantinople:

Cum Potestas et alii Veneti tam in civitate regia quam in aliis partibus Romanie a Constantinopoli usque Macram morantes multotiens a dilecto filio nostro I (ohanni) tituli Sante Prexedis presbytero Cardinali tunc apostolici sedis legato fuissent moniti diligenter ut pacem quam inter ecclesiam ex una parte et Baiulum et Barones Imperii coram Cardinali eodem initam et firmatam in ecclesia Sancti Georgii reciperent et

servarent, vel iura ecclesiastica que diu detinuerant restituerent, quia ipsi eiusdem Cardinalis monitis inauditis id efficere non curarunt, idem Cardinalis ne causam ecclesie in anime sue dispendium negligere videretur, de communi prelatorum et subditorum consilio, in eos excommunicationis et in terram eorum interdicti sententias promulgavit. Qui sequentes motum animi potius quam iudicium rationis, predictam sententiam diu contumaciter pertulerunt, et licet propter hoc ad nos alia vice proprios nuntios destinarint, quia tamen non erant parati congrue satisfacere et non meruerunt absolutionis beneficium reportare. Nuper autem dilectus filius nobilis vir P (etrus) Dux Venetorum dilectos filios L (udovicum) plebanum Sancti Pauli et Jacopum Teuplum ad nostram presentiam destinans, nobis per eos et litteras suas humiliter supplicavit ut cum excommunicati predicti parati sint nostris mandatis precise parere, faceremus eis beneficium absolutionis impendi, et relaxari sententiam interdicti. Licet igitur pro contumacia eorundem possemus severius procedere contra eos, quia tamen ecclesia non solet ad se redeuntibus claudere gremium pietatis et nos praviore ad veniam quam ad vindictam cupimus inveniri, predicti Ducis precibus duximus annuendum. Quocirca discretionis vestri per apostolica scripta mandamus quatenus ab excommunicatis predictis iuratoria cautione recepta quod mandatis nostris precise parebunt, vos eis absolutionis beneficium impendatis, et relaxetis sententiam interdicti, iniungentes eisdem ut pacem superius denotatam recipiant, et infra octo menses complentes eandem, eam studeant in omnibus inviolabiliter observare. Salvo moderamine siquid per nostras litteras apparebit. Mandamus quoque ut ille qui nunc est potestas Venetorum vel qui infra iamdictum tempus substituetur eidem iuret quod pacem servabit et faciet a suis subditis observari, et Veneti habentes possessiones et bona immobilia in urbe regia et aliis Romanie partibus a Constantinopoli usque Macram qui inobedientes fuerunt, firment etiam iuramento quod pacem ipsam compleant et observent, que siquid absit prout dictum est neglexerint adimplere, ipsos in easdem sententias sub cuiuslibet contradictione et apostolica obligatione reducat. Precipimus autem ut super hiis ita vos fideles et prudentes exhibere curetis quod nil de contingentibus omittatis, sicut nostram gratiam promereri et indignationem cupitis evitare. Quod si non omnibus et duo vestrum et cetera.

Datum Laterani in Idibus Aprilis, Pontificis nostri anno Septimo.

## VII

Pressutti 4541, Reg. Vat. XII, Book 8, letter 72, folio 113, October 24, 1223.

To the Archbishop of Heracleia and the Bishops of Madyta and Selymbria:

Ex parte universitatis cleri Constantinopolitani de parte francorum fuit propositum coram nobis quod compositione, mediante dilecto filio nostro I (ohanni) tituli Sancte Praxedis presbytero Cardinali tunc apostolice sedis legato, inita inter ecclesias et barones de resignanda ecclesiis possessionum acquisitarum ultra Machram in parte francorum undecima portione, idem Cardinalis, nondum ipsa undecima a laicis assignata, ad multam instantiam dilectorum filiorum Capituli Constantinopolitani, nomine quarte quam ex ipsa undecima ecclesie Constantinopolitane assignandam decreverat, assignavit in certis locis undecimam prout dictum est a laicis assignandam quam quibusdam Constantinopolitanis canonicis dividendam commisit. Et licet assignatione huiusmodi venerabilis frater noster — Patriarcha et predictum capitulum Constantinopolitanum vocaverint se contentos, idem tamen Cardinalis de gratia quedam dicta undecima in aliis locis dictis Patriarche et capitulo assignavit, ac postmodum

Patriarche predicto Constantinopolim venienti, eximi liberalitate de ipsa quiddam assignavit undecima que adhuc non extiterat assignata, residuo toto ipsius undecime eidem universitati dimisso. Set sepedicti Patriarcha et capitulum quamquam ex hiis que assignaverat Cardinalis predictus pro ecclesia sua de assignata et assignanda undecima in acquisitis ultra Machram in parte francorum vocaverint se contentos, nichilominus tamen universitatem ipsam super residuo ipsius undecime molestare presumunt. Cum igitur Cardinalis predictus asseveret constantem et in litteris eorundem patriarche et capituli dicatur etiam contineri, quod sepefati Patriarcha et Capitulum vocaverint se contentos hiis que idem Cardinalis eisdem quarte nomine assignavit, ipsis nostris damus litteris in mandatis, ut eisdem contenti non presumant decetero universitati predictae super eodem residuo inferre molestiam et gravamen. Ideoque fraternitati vestrae de utriusque partis procuratorum assensu per apostolica scripta mandamus quatenus si sepedicti Patriarcha et Capitulum presumpserint contraire vos monitione premissa sub apostolica obligatione a molestatione huiusmodi districtione qua convenit mediante iustitia compescatis, non obstante constitutione concilii generalis qua cavetur ne quis ultra duas dietas extra suam dioecesis per litteras apostolicas ad iudicium trahi possit. Nullis litteris obstantibus preter assensum partium a sede apostolica impetratis. Quod si non omnes etc.

Datum ut supra.